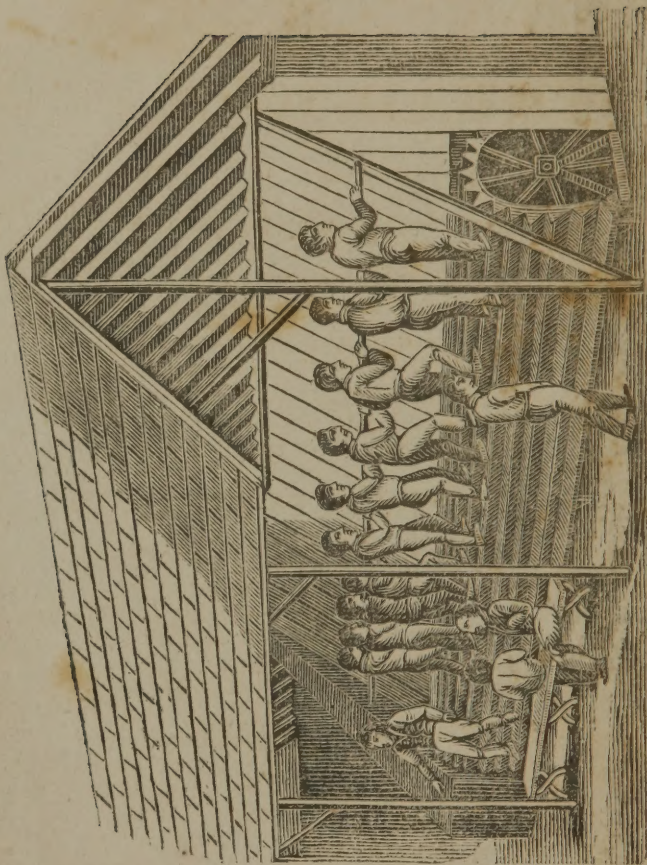


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THE  
HISTORY  
OF THE  
**TREAD-MILL,**

CONTAINING  
AN ACCOUNT OF ITS ORIGIN,  
CONSTRUCTION, OPERATION, EFFECTS AS IT RESPECTS  
THE HEALTH AND MORALS OF THE CONVICTS,  
WITH THEIR TREATMENT AND DIET;

ALSO,

A GENERAL VIEW OF THE  
**PENITENTIARY SYSTEM,**  
WITH ALTERATIONS NECESSARY TO BE INTRODUCED  
INTO OUR CRIMINAL CODE, FOR ITS  
IMPROVEMENT.

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BY JAMES HARDIE, A.M.

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NEW-YORK:  
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1824.

*Southern District of New-York, ss.*

**BE IT REMEMBERED**, That on the second day of October, A. D. 1824, in the forty-ninth year of the Independence L. S. of the United States of America, **JAMES HARDIE**, of the said District, hath deposited in this office the title of a Book, the right whereof he claims as Author and Proprietor, in the words following, to wit:

The history of the Tread-Mill, containing an account of its origin, construction, operation, effects as it respects the health and morals of the convicts, with their treatment and diet; also a general view of the Penitentiary System, with alterations necessary to be introduced into our criminal code, for its improvement, by James Hardie. A. M.

In conformity to the Act of Congress of the United States, entitled "An Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the time therein mentioned." And also to an Act, entitled "An Act, supplementary to an Act, entitled an Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

**JAMES DILL,**  
*Clerk of the Southern District of New-York.*



## PREFACE.

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UPWARDS of forty years have elapsed, since my arrival in this country, during the greatest part of which time, the different spheres, in which I have moved, have uniformly placed me in a very conspicuous situation. Hence it is well known to many of my fellow-citizens, that if I had made a proper use of the opportunities presented to me, I might, agreeably to the common expression, have been now independent. But, like many others, on whom God has been graciously pleased to bestow considerable talents, I made a very improper use of them. I for many years, sacrificed freely at the shrine of Bacchus, and have duly received the reward, which, in general, falls to the lot of his votaries, viz. shame, disgrace and poverty, so that I, who might have rode in my coach, was, at the age of sixty, glad to seek an asylum for my declining years, in the Alms-House.

About two months, however, previous to my going there, it pleased God, "from whom all holy desires, all good counsels, and all just works do proceed," to endow me with sufficient fortitude to overcome the greatest enemy, that I or any unfortunate man ever encountered, I mean, *Ardent Spirits*. This victory, so very important to me, was obtained on the 12th day of January last (a day, which as long as I live, I shall ever remember, with thanksgiving and prayer,) since which time, I have held, in perfect abhorrence, the bewitching draught. The following are some of the consequences arising from this salutary reform. The alteration in my countenance for the better, has struck those, who were more intimately

acquainted with me, with pleasure, as well as astonishment; my constitution, which was greatly shattered, is, in a great measure, restored; and what is of much greater importance, I enjoy a uniform serenity and composure of mind, to which I had, for many years, been an absolute stranger. To this, I may add, as another blessing, that many of my much respected friends, who lately with great propriety, treated me in a cool and distant manner, now receive me with a degree of cordiality and friendship, which abundantly shew, that they consider me as a *new man*.

Amongst those, who are deservedly branded with the detestable epithet of drunkard, charity induces me to believe, that there are few, who have not occasionally determined to abandon this abominable practice; but, in their attempt to effect this desirable object, their commencement has been radically wrong. They have set out *in their own strength*, and not as they ought in that of *God the Lord*, and under the mistaken idea, that they might *partially* indulge in their favourite vice and leave it off by degrees. Upon this subject, I can boldly aver, that the late celebrated Dr. Rush, of Philadelphia, in his invaluable tract, entitled, "An inquiry into the effects of Ardent Spirits upon the human body and mind," expresses himself in a language so correct and energetic, that it seems to resemble that of holy writ. "It has been said," says the Doctor, "that the disuse of Spirits should be gradual; but my observation authorises me to say, that persons, who have been addicted to them, should abstain from them *suddenly* and *entirely*. '*Taste not, handle not, touch not,*' should be inscribed upon every vessel, that contains Spirits in the house of a man, who wishes to be cured of intemperance." I know, from experience, that when a person, who is a slave to ardent spirits, shall thus abruptly leave them off, his sufferings will be severe; but if he take into consideration, that whatever these may be, there is no danger, that his transition to sober habits will be attended with any bad consequences; but that on the other hand, it will, in all probability, be productive of permanent health of body and peace of mind, he will, as he values his temporal and eternal



happiness, cheerfully persevere, and in due time, receive a reward of inestimable value, if he faint not. Let no man, therefore, when he reads this part of my story, say that he cannot overcome *the brutal sin of drunkenness*. He has only to be sensible of the enormity of the crime, to put on a firm and decisive resolution against it, and to pray fervently for divine assistance. By these means, he may rest assured, that his efforts will be crowned with success.

It is to be lamented, however, that there are many, who consider drunkenness as a very trivial offence, and rather view it as a necessary concomitant of *good fellowship*. But if there be any professor of the Christian religion, who entertains such an opinion, let him read with attention the following texts, selected from the sacred Scriptures, and he will be convinced of his error.

“The drunkard shall come to poverty.” Prov. xxiii. 21.

“Woe to the drunkards—the drunkards of Ephraim shall be trodden under foot.” Isaiah xxviii. 1—3.

“I have written unto you not to keep company, if any man, that is called a brother, be a drunkard—with such an one, no, not to eat.” 1 Cor. v. 11.

“Our son is a drunkard. All the men of the city shall stone him with stones, that he die.” Deut. xxi. 20.

“Be not deceived, the drunkard shall not inherit the kingdom of God.” 1 Cor. vi. 10.

I have already observed, that *drunkenness* was the cause, which compelled me to seek an asylum in the Alms House, and there the report of my misconduct had preceded me. This circumstance, at first, seemed to operate against me; but I had no just cause of complaint, as my indiscretion had been so glaring, that I had very deservedly become an object of suspicion and censure. My reformation, however, became known to Arthur Burtis, Esq. the superintendent, soon after my arrival, who thenceforth, with that benevolence, which he uniformly displays to every one, who deserves it, studied to promote my happiness. On the 14th April, with the consent of William Hoghland, Esq. the worthy superintendent of the Penitentiary, I was made gate-keeper of the Tread-Mill, an office, at which I would have formerly spurned; but which, when I considered the low situation

to which I had reduced myself, by my own extravagance, I accepted with gratitude. Since that time, I have wanted for nothing, and as I have been kept constantly employed, I enjoy much more comfort than I could have reasonably expected.

It is said in holy writ, that "joy shall be in heaven over one sinner that repenteth, more than over ninety and nine just persons, that need no repentance." Luke xv. 7. Let the drunkard then take courage; for when he "turneth away from the wickedness that he hath committed, and doeth that which is lawful and right, he shall save his soul alive." *Ezekiel* xviii. 27, and though it be impossible for him, while in this probationary state, to participate in those joys, which God has prepared, in the regions above, for those who love him: yet he may rest assured, that notwithstanding the sneers of the impious, at what they may deem *timidity*, in respect to the important change which has taken place in his conduct, his reformation will no sooner be known amongst that part of his acquaintances, who may be designated *wise* and *good*, than they will receive the returning prodigal with unspeakable delight as a "brother, who was dead and is alive again, who was lost and is found." Luke xv. 32, in consequence of which, he may be said to enjoy a little heaven below.

But what, it may be asked, has all this to do, with the subject of the Tread-Mill? I answer and can easily prove to the satisfaction of my readers, that it is immediately connected with it. "The propensities and habits," says Governor Wolcott, of Connecticut, "which dispose men to the commission of crimes, are violent passions, intemperance and dishonesty:" but from what I have observed, and I have thought upon the subject long before I had any connection with the Penitentiary, I am induced to believe, that violent passions and dishonesty are, in general, the effects of intemperance: so that intemperance alone may be considered as the *primum mobile*, or first cause of all the evil, which it is my lot to witness daily, in that place, where attempts are made, by punishment and actual privations, to convince offenders that "*the way of transgressors is hard.*" Prov. xiii. 15.

But intemperance is an evil of much greater magnitude than is generally imagined, and spares no rank or condition of persons in the community; being equally destructive to the happiness of its votaries, whether they wallow in affluence, walk in the middling spheres of life, or be sunk in indigence and obscurity. It fills our prisons with debtors, our Alms-Houses with paupers, our Bridewells, Penitentiaries, and State-Prisons, with criminals and our cemeteries, with many tenants, who, it is greatly to be feared, were ill prepared to meet their God, and who in point of number, exceed those, who have fallen victims to all other diseases put together. With respect to our State-Prison and Penitentiary in this City, I fear there is too much truth in the assertion, which has been made by some, that there are more than seven eighths of their respective inmates, who have brought themselves into their present situation, by the inordinate use of Ardent Spirits. Of all the calamities, which ever befell the United States, this is, by far the most dreadful. Of war and pestilence it may be said, that they slay their thousands; but of intemperance, that it destroys its tens of thousands. Ye ministers of the blessed gospel! ye representatives of the people, whether in our national or state legislatures! ye governors and judges! ye patriots, philanthropists, philosophers, and sages! arouse from your lethargy and unite your exertions, in removing this indelible disgrace of our beloved country, this fell, this ruthless destroyer, and if you should be so fortunate as to succeed in the enterprise, you will achieve more real glory, than if, by your united wisdom, you had planned the destruction of some terribly powerful fleets and armies. Then there will be a reformation of morals, which will render our Penitentiary system as complete as the friends of humanity could reasonably expect, in this state of imperfection, and many hundreds of those, who are now the pests of society, would find themselves much more happy, in being able, by their honest industry, to provide for themselves.

It is now time, that I should draw this preface, which is considerably longer than I at first intended, to a close. But before I conclude, it is proper I should acknowledge, that, for some of the useful information contain-

ed in the following pages, I am greatly indebted to STEPHEN ALLEN, Esq. our late Mayor, who very obligingly supplied me with sundry books and pamphlets well suited to my purpose. From one of these, in particular, entitled, "*Reports on the Stepping or Discipline Mill, at the New-York Penitentiary, together with sundry letters on the subject, written by the (said) Mayor,*" and published by order of the Common Council, January 20, 1823, I have freely extracted some interesting remarks, for which liberty, I with pleasure, make this grateful acknowledgement.

To THOMAS EDDY, Esq. a gentleman, whose zeal in the cause of humanity is well known in Europe as well as in this country, I likewise, return my sincere thanks, for the many useful hints as well as for the pamphlets, with which he was pleased to honour me. From these, I trust, that I have reaped considerable benefit ; but more especially from his "Communication to Stephen Allen, Esq. Mayor of the City of New-York," &c. dated 10th month, (October) 8th, 1823, and published by order of the Corporation. This is a very interesting tract, and points out in a concise and impressive manner the present defects in the mode of employing convicts on the Tread-Mill and the adequate remedy. Of this, it will be seen, that I have duly availed myself, when treating on this important part of my subject.

On the whole, I have now only to observe, that in the following pages, I have aimed at accuracy in every line, and have been actuated by a sincere desire to communicate what appeared to me to be useful information. How far I have succeeded, it will rest with a judicious public to determine.

JAMES HARDIE.

*Bellevue, 22d October, 1824.*



THE  
**HISTORY**  
OF THE  
**TREAD-MILL.**

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CHAPTER I.

OF THE PUNISHMENT OF CRIMINALS.

IT has, for many centuries, been the barbarous practice of most of the legislators of Europe, to endeavour to lessen the number of crimes, not by the reformation of offenders ; but by cutting them off from society, by a shameful and ignominious death, and that too often, for offences of so trivial a nature, as, by no means to justify the infliction of so dreadful a punishment. No one possessed of common sense will deny, that the life of a man is worth that of many of the most valuable animals ; yet, by the laws of Great-Britain, on which the criminal statutes of the American colonies, (now the United States) were founded, many a poor wretch has finished his career on the gallows, for stealing an ox or a sheep, although according to the laws of Moses, the punishment to be inflicted, in such case, was as follows : “ If any man shall steal an ox or a sheep, and kill it, or sell it, he shall restore five oxen for an ox, and four sheep for a sheep.” Exodus xxii. 1. But the least reflection might have convinced those, who acted in this manner, that their laws, which, might be said to have been written in blood, by no means, answered the purpose, for which they were intended. For is it not

well known, that, in London, where executions are not only frequent, but numerous, persons have been often detected in the act of picking pockets, at the very moment, when they saw others struggling in the agonies of death for the commission of the same offence? And does not every aged citizen of this state recollect, that immediately after the revolution, and before, there had been leisure to revise our criminal code, executions were common, particularly in this city, for burglaries, robberies, rapes, forgeries, and even for thefts? And if he take into consideration, that the population was not then one sixth part as great as it is now—will he not be satisfied, that, notwithstanding the savage cruelty, with which crimes were at that time punished, they were fully as great, in proportion, as they are at present?

From these, as well as from other considerations, the friends of humanity, being well convinced, that the multiplicity of sanguinary punishments was worse than useless, deemed it a sacred duty to devote their attention to the discovery of some means, by which men might be deterred from the commission of crimes, without having recourse to the dreadful practice of taking the lives of malefactors for the sake of example. Many, indeed, have gone so far, as to doubt the propriety of taking the life of a man, by legal process, for any offence whatever; while others are willing that this punishment should be inflicted for murder, because they consider it as the command of God, that “Whosoever sheddeth man’s blood, by man shall his blood be shed.” Gen. ix. 6. It is not my intention to express my own opinion upon this subject, as it would lead me from the object, which I have more immediately in view. I shall therefore, only observe, that as life is the immediate gift of God, and when taken away, can only be restored by him, who gave it, the punishment of death ought never to be inflicted, even for the most enormous crimes, without extreme caution. Human tribunals, in the administration of justice, have often erred; but when their sentence goes no farther than to deprive an offender of his liberty or property, if it should afterwards appear, that he was innocent, it is easy to restore him to the full enjoyment of either; but when life has been taken

away, it is far beyond the reach of human power to make restitution.

In Great-Britain, for many years, the punishment for certain offences, which had heretofore been deemed capital, has been changed to banishment. This appears to have been one of the most rational modes of preventing crimes, which could have been adopted, as the exile was rendered fully as incapable of transgressing, at least, in Great-Britain or Ireland, as if he had suffered death; and it was hoped, that the circumstance of his being banished to a place so far remote, as to render it almost impossible, that he should ever return, would deter others from the commission of crimes, for which they would be compelled to leave the land of their nativity, their relations, and friends. According to late accounts, however, many of the convicts have written so flattering accounts of their success to their friends at home, as to induce numbers to violate the laws, in order that they might be sent to join their former companions, and to participate in their prosperity. From this circumstance, government has of late found it necessary to banish their culprits to a less salubrious climate, where they will be kept at hard labour on fortifications and other public works, and where the chance of accumulating property will be less than in New-Holland. But it would be needless to enter on the advantages or disadvantages, which might result to the United States from the banishment of their criminals, as they have no territory, to which they could send them, from which it would not be practicable for them to return.

The late grand Duke of Tuscany was the first European sovereign, who abolished the punishment of death, for all crimes whatever, in his dominions, and enacted, that, instead thereof, criminals should be sentenced by the judges to confinement at hard labour for life, or for a shorter period, according to the nature of the crimes, of which they should be convicted. When that prince ascended the throne, his dominions were overrun by robbers and assassins. Robberies and murders were common, and the wheel, the rack, and the gallows were seen in all quarters. On reading the celebrated work of the Marquis Beccaria

he entirely abolished capital punishments. An army of executioners with their instruments of death were dismissed, and milder laws rendered Tuscany one of the best ordered states in Europe.

Pennsylvania was the first of the United States, who to her immortal honour, erected a State-Prison, or as it is called, "*The Penitentiary*," in the City Philadelphia. This institution commenced its operations in the year 1790. The example was followed by the State of New-York, who erected a State-Prison in the metropolis, which was opened for the reception of convicts, in August, 1796. According to the laws of these two states, it is seldom necessary to inflict capital punishments. In the state of Pennsylvania, they are exclusively confined to those, who have committed murder, and in that of New-York, those guilty of murder and arson\* are the only persons, who are punished in that manner. In most of the other states, institutions of the same kind have been established and the number of capital offences greatly diminished.

In taking notice of the very important change, which has, of late years, taken place, in favour of humanity in general, and in the reformation of our criminal codes, in particular, it would be an unpardonable omission, if I did not bestow that tribute of applause to the Society of Friends, commonly called Quakers, to which they are so justly entitled for their active and unremitted exertions in effecting this truly desirable object. Indeed I have ever found that when these benevolent people embark in any cause, it may be considered as *a righteous* one, and such is their perseverance, that in the accomplishment of their object, they frequently overcome difficulties, which to others, would seem insurmountable.

But to return from my digression. In the course of time, as the state increased in population, and as depraved characters flocked to our metropolis from all quarters, as

\* Piracy, treason, and mail robbery, are punishable with death ; but these crimes are cognizable in the Courts of the United States, and not in those of the individual States, in which they may have been committed.



to the place, which, of all others, was best suited to carry on their depredations, the number of criminals had become so great, in the State-Prison, and, particularly in the Bridewell, as to render it necessary to erect another Prison, to which the name of THE PENITENTIARY was given.

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## CHAPTER II.

### *Of the Penitentiary System in the State of New-York.*

A short time previous to the passing of the law for the erection of this building, the Bridewell was so exceedingly crowded, that the health of the prisoners was thereby greatly endangered and it was indicted by the Grand Jury as a nuisance. All persons accused of larceny and other minor offences, after as well as before conviction, as well as vagrants, were then confined in that prison, which may easily account for the excessive number of its inhabitants. But besides this evil, there was another, which called loudly for correction. By far the greatest part of the prisoners, were maintained at the public expense, while they remained in a state of absolute idleness; as it was impossible for the commissioners to devise any kind of work, that was suitable for them, except the picking of oakum, which gave employment only to a few. This was a great injury, not only to the community, but likewise to the convicts; as it is one of the principal objects of our system of discipline, to endeavour to reform offenders, by teaching them habits of industry.

To obviate these evils, and to diminish, in future, the number of those, who might be sent to the State-Prison, or confined in Bridewell, the crime of petit larceny, which was then limited to thefts not exceeding \$12½ in value was extended to that of \$25. Thus all those convicted of thefts to the value of, from \$12½ to \$25 inclusive, who were, according to the former law, to be confined in the State-Prison, are, by the new, to be sent to the Penitentiary; as well as those, who may steal goods

valued at \$12½ or less, other minor offenders and vagrants, all of whom were formerly confined in Bridewell, till the expiration of their respective sentences.

By the present law, all persons whose offences are to be punished by confinement, at hard labour, are immediately after conviction, sent either to the State-Prison or Penitentiary, except a very few, who, in consequence of their extreme youth, bad health, the trifling nature of their offence or some other cause, the humanity of the judges them thereunto moving, are sentenced to confinement in Bridewell, for some short time.

No criminal can be confined in the State-Prison, for a less time than three years and one day; and this period, which is, in general, fixed by law, thereby leaving nothing to the discretion of the judges, except in some particular cases, is extended according to the nature of the offence, from three years and a day to twenty-one years—and for the crimes of *highway robbery, burglary, forgery, counterfeiting and rape*, criminals are confined during life. For all other offences, except *the few, which are capital*, the convicts are sent to the Penitentiary, for such terms, not less than three months, nor more than three years, as to the judges' may, from the nature of the case, appear proper. If, however, a criminal should be found guilty on two indictments, at the same court, he will receive sentence on each; so that after the expiration of the term, for which he was to have been confined for the first offence, he immediately enters on his imprisonment for the second, &c. for every conviction, which may be against him. If a criminal should undergo his regular term of punishment in the Penitentiary, for petit larceny, and afterwards be found guilty of a similar offence, the law considers it as *grand larceny, and requires that the offender be sent to the State-Prison, and not to the Penitentiary, for the same*.

Vagrants are committed by the Police Justices, for any time not exceeding six months, and may be liberated, on a respectable person becoming surety for their good behaviour, or that they will leave the city and county; but those condemned by the court, can only be discharged by a pardon from his Excellency the Governor, which is, by no means, easy to be obtained.

I shall now proceed to give a brief account of THE PENITENTIARY, which is a stone building, 150 feet in length, and 50 in breadth. It is situate at Bellevue, contiguous to the new Alms House, near to the East River, on as pleasant and salubrious a spot, as can be found on the continent, and is nearly three miles distant from the City Hall. It was opened on May 18, 1816, and exclusively appropriated to the confinement, at hard labour, of persons who should be convicted at the Court of Sessions, in this city of petit larceny, fraud, misdemeanours, violent cases of assault and battery; and of vagrants. Of these, a number were set to work upon the roads, some in the garden, some at house-work, a considerable number in picking oakum, and the remainder at such kinds of employment as appeared most proper to the Commissioners of the Alms-House and Bridewell.\* To these gentlemen, it was long a matter of considerable difficulty, to devise a regular and proper employment for the prisoners, which might be constantly resorted to, without difficulty, at all times and seasons. The species of prison labour suitable for this purpose ought necessarily to be simple; to carry it into effect, no previous instruction should be requisite, and the materials or instruments, put into their hands, should be liable neither to waste nor misapplication, and but little subject to tear and wear, while, at the same time, the work in which they are engaged, ought to be of some benefit to the public.

But while the Commissioners were thus at a loss for a mode, by which they might be able, at all times, to give constant employment to the prisoners, the TREAD or STEPPING MILL, was introduced to the notice of STEPHEN ALLEN, Esquire, who was then Mayor, by two gentlemen of this city, viz. Mr. ISAAC COLLINS, one of the managers of the *Society for the prevention of Pauperism*, and Mr. STEPHEN GREELET, who had received some pamphlets containing complete information on that subject from England. His Honour laid the subject before the Common Council, and is entitled to great praise, for the zeal

\* These are five in number, and at present, consist of John Targee, Thomas R. Smith, Peter Staggs, John I. Westervelt, and Arthur Burtis, (Superintendent of the Alms House) Esquires.

with which he pressed the establishment of such an institution in this city. The board took the matter into consideration and being satisfied of its utility, ordered, that a *Tread-Mill* should be erected within the limits of the Penitentiary. Of this, I shall give an account in the next chapter.

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### CHAPTER III.

#### *Of the origin of the Tread-Mill, its construction and operations.*

THE attention of "*The Society for the improvement of prison discipline in England*," as well as of the "*Commissioners of the Alms House and Bridewell*, in this City, had been long devoted to the discovery of some plan for the suitable, as well as the effectual employment of prisoners. All attempts of the kind had, heretofore been attended with insuperable difficulties; but the TREAD-MILL was, in the year 1818, invented by Mr. William Cubitt, of Ipswich, and erected in the House of Correction at Brixton, near London. "Although," say the society, in their annual report, of 1821, "but very lately introduced into practice, the effects, in every instance, proved highly useful, in decreasing the number of re-commitments, as many prisoners have been known to declare, that they would sooner undergo any species of privation than return to the house of correction, when once released." The salutary effects of this invention was so conspicuous, that others were soon after attached to many of the criminal prisons in Great-Britain, and so rapid was their increase, that from "*The fifth report of the Society for the improvement of Prison Discipline*," now before me, one or more was erected in no less than forty-four different places, in the year 1823. Such, at that time, had been the result, in those prisons, where this species of corrective discipline had been enforced, that the number of re-committals had been diminished by one half.

The idea of attaching this species of labour to our Pe-



penitentiary system, as I have already hinted, was first suggested to Mr. Allen, our then Mayor, by Messieurs Isaac Collins and Stephen Grelett, who kindly furnished him with a report from the said society, containing correct engravings of the buildings and machinery for the mill, with a description of its operations and advantages, together with much other useful information on the subject, and Mr. Thomas Eddy presented to the Commissioners a plan of the machinery. These gentlemen, all of whom are members of the Society of Friends, were convinced from the perusal of the aforesaid documents, that the savings to the public, in those prisons where Tread-Mills had been introduced, were very considerable, and that the labour as a corrective punishment, was neither intolerably severe, nor injurious to health, while, at the same time, it produced most salutary effects upon the prisoners. They, therefore, deemed it their duty to endeavour to get it introduced into this city, and for their zealous exertions, towards the accomplishment to this desirable object, are justly entitled to the gratitude of their fellow-citizens.

The necessary building and machinery for the Tread-Mill were finished on the 7th September, 1822, and on the 23d of the same month, it was put in operation. The following are the advantages, which result from this species of prison-labour.

1st. No skill or time is requisite to learn the working of it.

2d. The prisoners cannot neglect their task, nor do it remissly, as all must work equally, in proportion to their weight.

3d. It can be used for every kind of manufactory, to which water, steam, wind or animal power is usually applied, and especially to the grinding of grain, for which every prison is at a great expense.

4th. As the mechanism of a Tread-Mill is not of a complicated nature, the regular employment, which it affords, is not likely to be often suspended, for want of repairs in the machinery, and should the supply of grain, at any time, fail, it is not necessary, that the labour of the prisoners should be suspended; nor can they be aware

of the circumstance ; the supply of labour may, therefore be considered as unfailing.

5th. It is constant and sufficiently severe ; but it is its *monotonous steadiness* and not its *severity*, which constitutes its terror, and frequently, breaks down the obstinate spirit.

The house, in which the whole of the machinery is fixed, is built of stone, sixty feet in length, by thirty in breadth, and is two stories and a garret in height. Each of these stories is divided into two apartments, by a strong wall, on that side of which, nearest the prison, are placed the wheels, *now* four in number, on which the labour is performed, viz. two on the lower apartment, on which men are exclusively employed, and two on the upper, which are worked by women. On the other side, in the lower apartment are placed the bolting machine and proper conveniences for the receipt of the flour, and in the upper the mill-stones, hopper and screen. The garret floor is used as a granary.

As all the wheels are exactly of the same dimensions, the description of one will answer for the whole. The shaft, which was, at first, of wood, though 14 or 15 inches in diameter, was found, by experience, to be insufficient in point of strength, as the power employed in the operation soon snapped it in pieces. It is now made of cast iron, is only 5 inches in diameter, and will no doubt, last for many years. The whole of the wheel, which was, likewise of wood, is now, exclusive of the tread boards, made of the same material. It has much less friction than the former, is more regular in its motion and less liable to be affected by changes of weather.

The wheel, which is exactly similar to a common water wheel, is five feet two inches in diameter, 15 and a half feet in circumference, and 24 feet in length. The tread boards or steps are formed in its circumference with a rise of  $7\frac{1}{2}$  inches at proper distances. These run horizontal with the shaft or axle, and are so constructed, that from 8 to 16 persons can work upon the wheel at one time. Their weight is the whole moving power of the machine, and has the greatest effect when applied upon the circumference at a level with the axle, that being

the greatest point of power. To secure this mechanical advantage, a screen of boards is fixed up, in an inclined position above the wheel, so as to prevent the prisoners from climbing or stepping up higher than the level requires. A hand rail is fixed upon this screen, of the same length as the wheel, by holding which, they retain their upright position upon the revolving wheel.

As soon as it is intended, that the prisoners should begin their work, the keepers order them to go on the wheel, and when the requisite number have ranged themselves upon it, it commences its revolutions. The effects, then, to every individual is simply that of ascending an endless flight of stairs; their combined weight acting upon every treading board, precisely in the same manner as a stream of water upon the float-board of a water-mill.

During the time, that the wheel is in operation, each person gradually advances from the end, at which he mounted towards the opposite end, from whence he descends for rest, another immediately mounting as he had done, to keep up the number required, without stopping the machine. The gearing of the wheel is so fixed, that a bell strikes every half minute, and this directs the prisoners, that one man should go off the wheel at one end and another come on at the other. The interval may then be portioned to each man by regulating the number required to work the wheel with the whole number of the gang. Thus if it should consist of 24 persons, and 16 be required to be on the wheel at once, each man will be on the wheel 8 minutes, and off four, that is, each person will be allowed to rest 20 minutes in every hour of labour. This is the regulation, which is generally observed, during winter; but if it were enforced in summer, it would be too severe, perhaps, impossible for the prisoners to support. It is, therefore, not unusual, during the hot weather, to have the same number on the wheel, as there is off, so that each prisoner has an equal portion of rest and labour, during the time he is at work. By varying the number on the wheel, or the work inside the mill, so as to increase or diminish its velocity, the degree of labour to the prisoner may be also regulated.

To convey to my readers, a more adequate idea of the

manner, in which prisoners work upon the Tread-Mill, I know of nothing, which the operation so much resembles as that of a squirrel, on a wheel, in its cage. The little animal uses its utmost exertions to get to the top; but though it is unceasing in its endeavours, it still remains stationary and never rises one step higher than it was before. There is this difference, however, that the squirrel climbs on the concave or inside of the wheel, while the criminals climb on the convex or outside.

There are now, as has been already observed, four wheels in operation, at the Penitentiary, Bellevue, and these are so fixed, as by means of spur or cog-wheels, to regulate the whole of the machinery attached to the structure. There are 2 pairs of mill-stones, both of which are sometimes in motion at once, although it is most common to use only one pair at a time. The purposes, to which the mill has been heretofore applied, has been the grinding of Indian corn and rye, for the use of the establishments, consisting of the Alms-House, the Penitentiary and Bridewell, by which a considerable saving is made to the public. They grind daily from forty to fifty bushels, and if an additional number of hands were employed, the quantity ground might be increased to from 60 to 70 bushels per day. The power necessary to grind grain into flour must be sufficient to turn the mill-stone 90 times in a minute, which will give a Tread-Mill a sufficient rotary motion to turn on its axis once in 20 seconds. This is as fast as a person can conveniently step; a wheel, of five feet two inches, with sufficient length to hold 16 persons, will possess the requisite power to grind grain.

I shall conclude this chapter by an extract from the description of the Tread-Mill by Mr. Cubitt, its inventor. "Much of the efficacy of this punishment" says he, "will depend upon the judicious arrangement of the machinery, and the attention that is paid to the degree, in which the labour is applied. Thus, if the revolutions of the Tread-wheel are performed too slow, or if the number of the prisoners as relays bears too large a proportion to those, on the wheel, the labour to each may become so feeble as totally to fail of its effect. With regard to the revolution of the wheel the usual rate imposed on a prisoner at



Brixton is from 45 to 50 steps per minute. The proportion of prisoners resting, to those on the wheel, ought not to exceed one third; this error is often liable to be committed in crowded prisons, and when that is the case, *the discipline to the whole set may be rendered almost nugatory.*" I shall now proceed to consider the effects of the Tread-mill on the morals and health of the convicts.

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#### CHAPTER IV.

##### *On the effects of the Tread-mill as it respects the morals of the convicts.*

On this part of my subject, I am sorry to say, that the friends of humanity, who had fondly anticipated, that the Tread-Mill would be highly conducive to the reformation of offenders as well as to the prevention of crimes, have been sadly disappointed. Indeed the whole Penitentiary system, however, mortifying the assertion may be to those who have been its warmest advocates, has, in very few instances, answered the benevolent purposes, for which it was instituted. The principal causes, which have heretofore prevented this plan from being productive of the desired effects are well expressed in "The Report on the Penitentiary system in the United States, prepared under a resolution of the Society for the prevention of pauperism, in the City of New-York, and published in the year 1822." This was drawn up by Charles G. Haines, Esq. and has been widely circulated in Europe as well as in this country. It is a luminous exposition of the errors and defects of the interesting subject, on which it treats, and contains the opinions of many of our most intelligent citizens. I have availed myself of many of the sentiments therein contained and would have freely quoted what I have taken from it; but the narrow limits, to which I am under the necessity of restricting this publication, compels me greatly to abbreviate my extracts. I must, therefore, content myself with this general acknowledgment, and

with advising such of my readers as may have leisure to give the said report a fair and candid perusal, being well persuaded, that they will thereby find themselves highly gratified.

But to return to my digression. According to our present badly arranged system of prison discipline, no sooner have the convicts finished their daily tasks than they are permitted to have their hours of recreation, indulged in talking over their exploits in the paths of guilt, suffered to form new schemes for future execution, and to wear away their term of service, under circumstances calculated to deprive it of every salutary effect. This state of things is rather appalling, but if we examine the "report on the Penitentiary system in Pennsylvania, dated 27th January, 1821," we shall find that it is not less gloomy. "It seems," says the report, "to be generally admitted, that the mode at present, in the Penitentiary, does not reform the prisoner. It was intended to be a school of reformation; but it is now a school of vice. It cannot be otherwise, when so many depraved persons are gathered together without the means of classification. There were in confinement on the 1st instant, 494 men and 49 women, convicts. A community of interest and design is excited amongst them, and instead of reformation, ruin is the result."

Hence it appears, that a sentence to a criminal prison is not viewed with that terror, which tends to prevent crimes, the allurements and pleasure of social intercourse, are kept up; and the ignominy of punishment is forgotten. There is reason to fear, that with many criminals, the State-Prison and the Penitentiary are viewed like the transportation to New-Holland, by felons in Great-Britain, as a welcome asylum.

Shall the Penitentiary system, then, from which so great benefit was anticipated, be abandoned? May God forbid! We contend, that it is a practical system, that it has not, as yet, had a fair trial, that its present defects can be remedied, and that it can be rendered more effectual than any other mode of punishment, which now is, or ever has been in existence. Nor do we admit that failure, which some have been pleased to assign, although

it must be granted, that it has disappointed the hopes of its early friends.

The following circumstances ought, likewise, to encourage us to perseverance. If we may judge of the operation of penal codes, in other countries, where they are severe and bloody, we shall find nothing to induce us to the renunciation of our present laws. Of the truth of the preceding observation, let the following serve as an illustration. Sir William Blackstone, after speaking against the too frequent infliction of capital punishments, asks if they have been found more salutary than those of a milder character. "Was the vast territory of Russia," says he, "worse regulated under the late Empress Elizabeth than under her more sanguinary predecessors? Is it now under Catharine II. less civilized, less social, less secure? And yet we are assured, that neither of these illustrious princesses have, throughout their whole administration, inflicted the penalty of death. And the latter has, upon full persuasion of its being useless, nay even pernicious, given orders for abolishing it entirely throughout her extensive dominions."

We well know, that atrocious crimes were less frequent in France, under the reign of Napoleon, than under any one of the Bourbons for half a century before him. And yet he greatly moderated the penal code, and assumed the sceptre of power, after the revolution had poured its overwhelming torrents of licentiousness over the kingdom. It may, likewise, be observed, that though the late monarch Louis XVIII. must have been naturally opposed to every innovation on the ancient regimen by him, whom he deemed an usurper, the good sense of the French people was so strongly opposed to the practice of inhuman punishments, that he durst not re-enact the barbarous statutes of his ancestors. Hence the *lenient code of Napoleon* still continues to be the law of the land, and is found by experience to be much better calculated to secure the lives, the liberty, and the property of the subjects than any system, which preceded it.

But in order that we may have a more comprehensive view of the dreadful consequences, which result from sanguinary punishments, it is only necessary that we should

direct our attention to the summary practice of the criminal courts in Great-Britain, a nation, with which we are better acquainted than with any other. While she justly boasts of a system of jurisprudence in civil transactions, which applies to all the exigencies of civilized society, which guards all the rights incident to a state of public and private security, and is founded on the broad basis of utility, her criminal code presents us with a melancholy spectacle of *cruelty, error and neglect*. It is not only inadequate to the ends, which it was designed to accomplish; but is productive of the very evils, which it would remedy. It even, at this late day, retains a system of laws, which awards death for upwards of 200 offences, and draws no distinction between the most atrocious murders and the stealing of a guinea. If, as it is asserted by some, the infliction of death be so well calculated to deter men from the commission of crimes, why do they *wholly* fail to effect this result in that country? There, criminals are never pardoned for forgery; but does not forgery still go on? Since the execution of the unfortunate Dr. DODD, many hundreds have expiated for that offence by the halter, and is not its commission equally prevalent at the present day, as it was 50 years ago? Felons are continually executed for stealing, and still thefts increase. They are committed under the very gibbets where thieves are hung. Is this preventing felony, by the taking away of life?

Mr. Buxton, in a late speech, in the House of Commons, states expressly, that in the face of more than 200 capital punishments. crimes, which fall under them, continue to multiply. The criminal code in France is, by no means, so severe as that of England, and yet with more than double the population of Great Britain, the number of her criminals is less.

With these facts so fully staring us in the face, it is truly surprising, that a disposition should be sometimes indicated in this country to adopt capital punishments, to a wide extent. Because the Penitentiary system has been grossly perverted and its principles lost sight of; because an experiment has failed before it has been adequately tried, there are occasional bursts of discontent, and capital punishments are urged as the only means of preventing



crimes. And yet experience has sufficiently taught us, that cruel punishments harden the public mind, and that in whatever country, the laws are most severe, there they are the most impotent. But it is absolute folly to think of re-establishing capital punishments in the United States, on that of crimes, on which they were formerly inflicted. By supposing such a thing possible, we do violence to the moral feelings of the people of this country. We go farther. We disregard the solemn lessons of an experience, which is drawn from the history of successive ages; for we would ask, in what period of national history have capital punishments suppressed the crimes, which they were designed to prevent? Are we not rather compelled to believe, that they have promoted the evils they were intended to destroy.

Nor can it ever happen in those states, where the public whipping, branding, and lacerating of the bodies of minor offenders have been abolished, that the feelings of our citizens will be agonized by seeing them replaced. Who can think of the barbarities witnessed at a whipping post without horror? What has any person to look for in this world, when his features are so deformed as to attract the scorn of the public? Or what has the culprit to anticipate, who has received the stripes of a constable amidst a crowd of spectators? There is, at least, this advantage in our Penitentiaries and State-Prisons, that if they be not schools of reform, they, for a time, secure the public against the depredation of those confined within their walls; but it was not so, when the space of 15 minutes finished their punishment, after which they were, at once, turned loose upon the world, degraded and desperate, and for want of other support, compelled immediately to renew their depredations or to starve. But besides the evils, which the offender suffers from the laceration of his body, there is another which accrues to those, who witness such atrocities. The frequent infliction of cruel punishments inures the public mind to barbarity, and destroys the advantages intended to be reaped from the terror of example. People can become habituated to spectacles of horror, and feel no pangs at beholding them. The Romans beheld the blood of their gladiators without the move-

ment of a nerve or a muscle ; and, in Great-Britain, at this day, the execution of half a score of felons calls forth no expression of horror from the populace. In time, we should betray the same indifference. In confirmation of this, there are many inhabitants of this city, who have witnessed the disgusting spectacle of crowds of boys flocking to a whipping post, to enjoy in revelry and mirth the torture of their fellow beings.

But upon this subject, it cannot be necessary that I should enlarge. The erection of the gallows will be very seldom witnessed amongst us ; and the use of the pillory, whipping post, branding iron, and cropping knife is, as I firmly believe, for ever discarded. Here the age of barbarity has fled never more to return, and that of benevolence and philanthropy has taken its place. The Penitentiary system has not, *as yet*, answered the purpose intended by its humane projectors : but we are fully persuaded, that it can be amended. The American people have, by God's blessing, been endowed with sufficient wisdom to devise a form of government for themselves, which, while it ensures to its citizens as much liberty as is compatible with human happiness, possesses far more strength and energy, than any of those which have been the longest established in Europe. And would it not be impious to doubt, that the same people, influenced by the same Almighty power, and possessed of that experience, which they now have, will be able to form a complete Penitentiary system, which shall not only have an eminent tendency to reform convicts, but also to prevent the commission of crimes ? What measures it will be necessary to adopt towards the accomplishment of this desirable object, shall be the subject of consideration in another chapter.

## CHAPTER V.

*Of the effects of the Tread-Mill, as it respects the health of the Convicts.*

BEFORE I enter upon the discussion of this topic, it may not be improper to mention some advantages, which obviously result from the establishment of this mode of punishment. Since its introduction into this city, the number of vagrants, as well as of sturdy beggars, who, like birds of passage, flock to our metropolis, during winter, from the neighbouring states and counties, to feed upon the well meant, but misapplied charity of the inhabitants, is certainly greatly diminished. For this, we are much indebted to our police magistrates, whose vigilance and activity, are such, that it is scarcely possible, for persons of this description to remain here, for any length of time, without being detected and punished. Should it be generally known, that every able bodied beggar found prowling about the city, would be taken up by the public authorities and put to work, for some time, on the Tread-Mill, non-resident paupers would not dare to visit us, and very few of our own would be seen in the streets.

But besides male vagrants and beggars, there is another class, whom it is necessary to provide for. I mean such female prostitutes and vagrants as are always to be found in the Penitentiary or Bridewell, for whom little or no employment could formerly be found : but we now know by experience, that the operation of women on the Tread-Mill is, in proportion to their weight, equally useful as that of men. There is, then, this additional advantage, arising from the erection of the Tread-Mill, that this kind of prisoners are made "to earn their bread by the sweat of their brow." Various reasons, however, occur, which render it improper that this should be a permanent employment for women, some of which I shall mention in the after part of this chapter.

I shall now proceed to consider the effects of the Tread-Mill on the health of the convicts, concerning which there exists a diversity of opinion, and shall begin, with due respect to the public, by stating my own.

Six months have elapsed since I have been stationed as gate-keeper of this establishment, in consequence of which, as it is part of my duty to attend the visitors, and to answer their various queries, respecting its operations, effects upon the prisoners, &c. I endeavoured to obtain all necessary information respecting it. My opportunities of forming a correct judgment have been, therefore, considerable, and after due reflection, I have no hesitation in declaring, that the labour of the Tread-Mill is neither intolerably severe, nor in the least, injurious to health. In making an assertion so unqualified, I have not been solely guided by the result of my own observations; but by the unanimous opinion of the Commissioners of the Alms-House and Bridewell, the physicians of the establishment and of the superintendant as well as of several keepers of the Penitentiary, who have had longer opportunities of witnessing the manner in which it operates upon the health of the prisoners than I.

Supposing that a man should work on the Tread-Mill ten hours in the space of 24, and that, during that time, he was, for six hours engaged in labour, and the other four at rest, (and that is fully as great a portion of fatigue, as I have ever known to fall to the lot of a prisoner) he will then if the circumference of the wheel be fifteen and an half feet, and it revolve round its axis three times in a minute, ascend, or, as it were, climb up the steps of a stair 16,740 feet, a distance somewhat less than three miles for his daily labour. Now, it must be obvious to every one of the many thousands, who has witnessed this machine in its full operation, and who has determined to think for himself, that the convict in the performance of this duty, steps perfectly erect, so that his chest can sustain no possible injury; and he may very probably be induced to believe with me, that there are many of our citizens, who in earning their livelihood, follow more laborious employments, than that assigned to any of our convicts in this establishment. Of these I shall instance a few of the most



prominent. The man, who climbs up a three or four story ladder, with a hod on his shoulder, full of brick, stone or mortar ; he who is engaged in loading or unloading a vessel, the wood-sawyer, the pressman, on a daily paper, where there are a vast number of subscribers, or the man, who in harvest, useth the scythe, will severally feel as much fatigued after the performance of his labour, as the criminal who has toiled all day, on the Tread-Mill.

But it is not necessary, that I should confine myself to what has been noticed by intelligent persons on this side of the Atlantic. The mode of punishment, which is the subject of these animadversions is better known in Great Britain than with us, and it is certainly enforced with more vigour in that country than here. The following extract from the *report of the Committee of the (British) Society for the improvement of prison discipline, and for the reformation of Juvenile offenders*, published in 1823, page 33, will shew the opinion of a very respectable body of men, whose zeal in their endeavours to promote the cause of humanity may be equalled, but cannot be surpassed. "The merits of the Tread-Wheel," say they, "as an instrument of prison-labour, have, during the past year, excited considerable interest. Objections of a very serious nature have been urged against it by a magistrate, whose labours for the improvement of prison discipline, during a long and honourable life, entitle him to great attention. Highly as the committee appreciate the motives which animate the benevolent author, they do not concur with the reasoning contained in a recent work on prison-labour ;\* the object of which is to shew, that the ordinary discipline of the Tread-Wheel is an unsafe, unhealthy, and degrading punishment. The committee believe, that they were the first to recognize the excellence, and advocate the introduction of this description of prison-labour ; and after mature consideration, they can discover nothing in the proper use and moderate application of this punishment, that is irreconcilable with the feelings of humanity, and these principles of prison-discipline, which it is the object of this society to recommend." "From docu-

\* "Correspondence on Prison-Labour," by Sir John Cox Hippley, Bart.

ments which have been laid before Parliament, the healthiness of the Tread-Wheel exercise is satisfactorily proved. The opinions of the medical officers in attendance at the various prisons, concur in declaring, that the general health of the prisoners has, in no degree suffered injury by the exercise; but that, on the contrary, the labour has in this respect, been productive of considerable benefit. Recent enquiries, which the committee have instituted, confirm these testimonies; and against evidence so conclusive, a judgment formed principally from abstract reasoning, and unsupported by that peculiar experience, which the daily observations of a prison-surgeon affords, can have but little weight."

With respect to the severity of the Tread-Mill, I have thus, after due consideration, expressed my opinion without reserve or disguise, being influenced by no consideration, except a sacred regard to truth, and am morally certain, that every one, who has *without prejudice* fully examined it, when in operation, will coincide with me in opinion. I am well aware, that we have had many visitors, who, the moment they beheld the convicts at work, without giving themselves leisure for the least reflection, have pronounced it to be a dreadful contrivance of cruelty and oppression, and one which ought not to exist in a christian country. But these well-meaning people never think that although the Christian Religion far surpasses all other systems, in point of benevolence; nay, though it may be pronounced to be benevolence itself, it expressly asserts, that the *way of transgressors is hard*, and enjoins it as a duty on magistrates to be a *terror to evil doers*.

Stories, concerning the dreadful consequences resulting from the punishment of the Tread-Mill have been propagated with a zeal for which it is not easy to account, and many of them, though highly incredible, have been eagerly swallowed. Were I to take notice of one half of the distressing tales which have come to my ears respecting it, since it was known amongst my friends, that I was engaged in writing this pamphlet, I would have had much to do, and would have been employed to very little purpose; as there are too many, who are so *wise* in their

own opinion, as to think it degrading to retract an error, although they should be fully satisfied, that it was founded on the most palpable absurdity. For the sake of those however, who are in quest of truth, I shall endeavour to obviate a few of the most prominent of those falsehoods.

It has been stated, that it is very common for convicts to drop down dead, while at work. Now, I well know, that no event of that kind has happened since I had my residence at Bellevue, and I have it from those who superintended the labour of the prisoners from the very day that the mill commenced till that period, that only one case of the kind had ever occurred, and I am satisfied, that hard labour on the Tread-Mill, had not the least agency in effecting the death of the man to whom I allude. He was a stout, athletic Mulatto, in the prime of life, and apparently in perfect health, on the day that he died, which happened to be the very first of his appearance on the wheel. He had performed one turn of duty, which was finished in six minutes, when he sat down. He then said, that he was unwell, according to his request had a drink of water, and rested as long as he thought proper. He, at last, after having sat about an hour and an half, mounted the wheel of his own accord and dropped down almost immediately thereafter. Medical aid was called; but to no purpose, as he was dead of an *apoplectic fit*. This is a plain case and requires no comment. Every one, who has seen apoplexy, knows that it generally takes place without any previous warning, and often closes the scene almost immediately after the attack.

It has been said, that working on the Tread-Mill has been very injurious to women in a state of Pregnancy. To this I answer, that few of those females, who are subjects of prison discipline are likely to be in that state, and I am confident that if any one were to declare herself to be so, her services at the mill would be dispensed with, till due inquiry could be made into the truth of her assertion, and when she would undoubtedly be put to other employment more suitable to her situation. But here I deem it necessary to make a short digression.

It may be observed, that though little delicacy is to be

looked for amongst females, who reside within the walls of a penitentiary, yet it is well known, that the sex is liable to various diseases and complaints, which even the most abandoned would not choose to communicate to a man. Whatever male officers may be, therefore found necessary in such an establishment, there ought always to be a careful, discreet and humane matron, under whose direction, (subject, however, to the controul of the superintendent,) the female prisoners ought more immediately to be placed. The person to be selected for this important employment, should be possessed of a conciliatory disposition, have a considerable knowledge of human nature, and a capacity to discern the leading passions of individuals and all their weak points. It should be her duty, by every means in her power, to gain the confidence and affection of the unfortunate beings committed to her care, and to impress upon their minds not only a sense of guilt, but a love of virtue, and to implant those principles and cherish those feelings, which a love of virtue only can inspire. Her admonitions might, at first, meet with little attention; but by due perseverance, they would, in all probability, at last, leave a deep impression on the minds of those, to whom they are addressed; and, by God's blessing, be the means of reclaiming several from the error of their ways by inducing them to seek happiness in that way, where it is only to be found, viz. in religion; for "wisdom's, *i. e.* religious ways are ways of pleasantness and all her paths are peace." Prov. iii. 17. Should so happy a change be effected on any of our female convicts, the main end of their punishment would be completely accomplished; any further severity would become unnecessary, and instead of being as they were formerly, *pests of society*, they would, upon their discharge, become not only useful to themselves, but likewise, to the community. It may be said, that the expectation of such a *transition from death to life*, is visionary; but the zeal, industry and perseverance of a philanthropist have produced much good in London. Why should similar efforts be less beneficial in this city? Human nature, even in its worst state, can, by the use of proper means, be wrought upon with success. The his-



tory of MRS. FREIGH's exertions in Newgate affords a most gratifying comment on those remarks. She has entered the prison walls like a ministering angel of truth, mercy and peace; and guilt, in the most awful and repulsive form, has relinquished a dominion over its victims.

I would farther observe, that though it may be proper to send such idle and disorderly females as are hardened offenders, to the Tread-Mill, their general and constant employment, in this manner, is, in the opinion of many benevolent persons, liable to serious objections, and as many other kinds of useful labour can be easily devised for women in a prison, which are congenial to the habits of their sex, the practice of thus employing them is not justified by necessity. It is true, as has been observed by many, that women, whilst engaged in this kind of work, appear more cheerful than men; but this may be owing to thoughtlessness, or perhaps to a silly desire to shew to their overseers and others, that they set at nought the punishment inflicted upon them; but in point of strength, or a capability of bearing laborious exertions, they are certainly far inferior to those of the other sex. It ought not, therefore, to be expected, that they should bear an equal burden. It may, perhaps, be proper, that some of the greatest criminals or of those, who are the most refractory should be subjected to this punishment for a short time, but it is inconsistent with the views of the best writers on the Penitentiary system, that they should remain under this kind of discipline, for a long period.

But to return to my subject, I had often been informed, previous to my having any charge at the Tread-Mill, that it had occasioned ruptures on several criminals, who had wrought on it. After having carefully examined its operation, I perceived, that it neither twisted, wreathed, or distorted any part of the body, and that it required no other exercise than to ascend, as it were, the steps of a stair. I could not, therefore, imagine, how such labour could possibly be the cause of so painful a disease. A number of respectable physicians came to visit the establishment at different times, and as one of the keepers as well as myself were desirous of obtaining correct information on the subject, we asked these gentlemen their opin-

ions severally ; but have as yet found no one, who supposed that the Tread-Mill occasioned the rupture.

It may easily be supposed, that amongst such characters as those who are set to work on the Tread-Mill, an aversion to labour is one of the principal causes, which has brought many of them to their present situation, and that their having become tenants of the Penitentiary is not very likely to cure them instantaneously of that dislike. Hence with a view to evade the work allotted to them, it is a common practice with many to pretend sickness where none exists. In a case of this kind, if the keeper believe that the assertion is true, he will allow the prisoner to rest till one of the physicians can be consulted, who, after due examination, will direct him to be sent to the hospital, or otherwise disposed of, as to him shall appear proper : but his decision must be final and conclusive. And here it may be observed, that if every prisoner, who feels a reluctance to work, merely because he is lazy and does not like it, should be gratified in his wishes, the sentence of condemnation to hard labour for a certain period would be nugatory, and very little work would be done on the Tread-Mill or in any other department of the Penitentiary. But when a convict is sentenced to hard labour, the spirit and letter of the law should be well observed. He should be put to work and kept to work in the true sense and meaning of the words *hard labour* ; nor should any relaxation of the law be allowed. Idleness must be guarded against with the strictest scrutiny ; nor should convicts be allowed to pass through any portion of their time in indolence, when it was intended by Legislatures and courts of justice, as well as expected by the prisoners themselves, that constant and rigid industry should be their daily lot. It should be borne in mind, that hard labour is intended by our penal statutes, as a part of their punishment, and that an exemption from this, in any degree, impairs the effect of that punishment.

But in our Penitentiary, there is no danger of *excessive* severity being exercised towards the prisoners. Mr. Hoghland who has been the superintendent for upwards of seven years, is a gentleman no less conspicuous for his

*firmness* and *decision* than for his *humanity*, and the commissioners of the Alms-House, whose names I have mentioned in a note, page 15, to whose care and management the Penitentiary system is committed, are so well known to the public, that if any error be committed by them in the discharge of their duty, it will more probably be on the side of mercy than of inhumanity. On the whole, the work, which is, in general, imposed upon convicts, may be rather considered as a healthy recreation than as a dreadful punishment, and even the Tread-Mill, with all its horrors, if I except the chains worn by many of the males, is not, in my opinion, harder work, than we see daily performed by numbers of our honest labourers, both in town and country.

It is believed, that from the preceding observations, every unprejudiced person must be satisfied, that there is nothing in the labour of the Tread-Mill, that is injurious to health. Still, however, it is far from being an agreeable employment ; nor, indeed, can a prisoner, whatever task may be assigned to him, be said to find any thing agreeable, so long as he shall remain within the walls of the Penitentiary. The culprit enters on a state of punishment, the very moment that he receives his sentence. From the bar, he is dragged to the Penitentiary in chains. No sooner does he arrive there, than however fine his clothes may have been, he is obliged to assume the homely uniform of the criminal regiment, although he be allowed a sufficiency of provisions to satisfy the calls of nature, from the moment that he takes up his abode in prison, he may say to every kind of luxury and dainty *farewell*. He is lodged all night, with some of the most abandoned wretches, and debarred from the society of his acquaintances, his friends, and even his nearest relations. Day succeeds day, and brings variety to many ; but nothing to him, except one continued scene of melancholy, despondency and gloom.

Although the preceding observations apply in general, to those who are employed in any kind of labour, within the limits of the Penitentiary, they have a more immediate reference to those, who work on the Tread-Mill. This as a punishment, has nothing connected with it that can

be deemed excessively severe ; still however it is attended with a species of fatigue, which strikes the mind of the convicts with more terrour, than any other labour which it has been heretofore practicable to assign to them. Hence when any of those, who are engaged at work, on the public roads, in the pin factory, or otherwise, become unwilling to perform their duty, or refractory to their keepers, a threat, that they will be sent to the Tread-Mill seldom fails to bring them to a sense of their duty, and to reduce them to immediate subjection.

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## CHAPTER VI.

### *Of measures necessary to be adopted for the improvement of the Penitentiary System.*

Mr. Eddy, in his communication to the Mayor of date 8th of 10th Month, (October,) 1823, which I have mentioned in the preface, confines his ideas respecting the improvement of our present system of punishment, to the three following objects :—

1. The almost total prohibition of persons to see the prisoners at work.

2. The erection of a sufficient number of cells, of the dimensions of nine feet long, by seven feet wide ; for the solitary confinement of convicts, during the night, and when not employed at work.

3. The necessity of instructing prisoners in the principles of the Christian Religion. Of each of these, I shall treat in order.

1. As to the first, it appears highly important, to prevent the convicts on the Tread-Mill from being a constant gazing stock. Their being exposed to idle curiosity can only tend to divest them of all shame, render them more hardened and desperate, and make them callous to the appeals of repentance and remorse. When a man has been in this place of punishment, and is sensible that hundreds have seen him treading on the wheel, he



will be more inclined to renounce the hope of all future usefulness and respectability : and if it be so with men, it must evidently be still more so with women. To one of these, it would naturally occur, that it would be in vain for her to look for decent employment ; as it was highly probable that the person, to whom she might apply for service, might have seen her on the Tread-Mill. On her discharge, therefore, she has no alternative but to seek a shelter in some of her former haunts of prostitution and debauchery. The crowds of people, many of whom were *idle and disorderly*, who wasted their time in visiting this place, were almost incredible. During the holidays, in the last Easter and Whitsun-weeks, they daily exceeded 1000 ; and at other times, when the weather was favourable, there is no exaggeration in stating that they daily averaged 500. Amongst the many visitors, there were some, who, for months, were there almost daily, unquestionably for no good purpose, and who from their appearance seemed fully as deserving of a place on the Tread-Mill as any of those, who were on it. But besides the evils, which I have mentioned, this indiscriminate admission of visitors, was productive of others. It stopped that free circulation of air, which was so essentially necessary to the comfort of the prisoners, and created constant confusion. With a view to remedy those evils, the commissioners deemed it their duty to represent them to the Common Council, who on the 30th day of August last resolved, that in future, no one should be allowed to visit the Tread-Mill, without a permit from the Mayor, or Recorder, from one of the Aldermen or Assistants, or from one of the five Commissioners of the Alms-House. This restriction, it is believed, will fully answer the purpose for which it was intended, as the number of visitors is thereby reduced to about one twentieth part of what it was formerly.

2. As to having a separate cell for each convict, every principle of policy and humanity points out its propriety. The want of this precaution has been the bane of our whole Penitentiary System, and filled the public mind with doubts and prejudices. To permit a dozen or upwards of convicts to sleep in the same room ; to converse

freely together, to communicate to each other vicious principles and desperate designs, must prove the source of lasting evil. To place the hardened villian, the old experienced offender, in the same sleeping apartment with the young and inexperienced convict; the aged felon in the same room with the boy, who has committed some trifling depredation is, in fact, erecting a school for guilt, and breaking down all wholesome barriers of discrimination. It is a college for the education of men to prey upon society. A novice, who if kept from company worse than himself, might have been reclaimed, is here associated with old hardened and skilful offenders; he hears with envy and admiration the stories of their prowess and dexterity; his ambition is roused, his knowledge extended by these recitals, and every idea of repentance is scorned; every emotion of virtue extinguished. The young are advanced in the paths of guilt; the old confirmed in their baseness; morals instead of being improved are broken down, and conscience instead of being restored to a tone of reproof, is blunted and seared, as it were with a hot iron.

The erection of solitary cells, therefore as retiring places for the prisoners, after the labour of the day has been performed, in which they will have an opportunity for reflections, free from the baneful influence resulting from the present method of confining so many of them in a single room, is the only rational mode, to which we can resort for a fundamental and radical reform in our Penitentiary system. "Nothing," says Mr. Haines in the general view of the penitentiary system as it exists in the United States, "than solitary confinement will ever enable us to give it (the penitentiary system) a fair and full trial. If this fail, on its full and complete adoption, then the system is intrinsically defective and out of the compass of perfection. There is nothing hazarded in this remark. If it were made by every friend of the system, on both sides of the ocean, nothing would be jeopardized, for there is the strongest reasons to believe, that with this improvement a confinement in a penitentiary would prove the most effectual and salutary punishment that has ever been devised, since the origin of human government and human laws."

“Wherever solitary confinement has been tried, it has produced the most powerful consequences. In the State Prison of Philadelphia, offenders of the most hardened and obdurate description, men, who entered the cells assigned them, with every oath and imprecation, that the fertility of the English language affords—beings, who scoffed at every idea of repentance and humility; have in a few weeks, been reduced, by solitary confinement and low diet to a state of the deepest penitence. This may be set down as a general result of this kind of punishment in that prison. In the New-York penitentiary, many striking instances of penitence and submission have also been afforded. Where prisoners were peculiarly refractory and vicious, they have been placed in solitary cells, and even those who carried them their food were enjoined not to utter a syllable in the discharge of their diurnal duties. The most overwhelming consequences were the result. The spirit of the offender was subdued, and a spirit of meekness, and evidence of contrition displayed.

These, however, are not new ideas. So early as the year 1804, Mr. Eddy framed a law “for erecting a prison for solitary confinement in the city of New-York.” By an alteration in the above bill, the erection of the prison was left to the discretion of the Corporation of that City, who, though they approved of the system, never carried it into execution. Good effects were however produced by its passage. A copy of it was transmitted to Mr. Colquhoun, the greatest police magistrate that England has ever seen, and one whose writings on the subject of police are deservedly held in the highest estimation, accompanied by a letter from Mr. Eddy. These were handed to Lord Sidmouth, then Secretary of the Home department, who decidedly approved of the principles, which it adopted, and in a few years, thereafter, prisons were constructed in England on the plan which it embraced.

But some pretend to say, that solitary confinement is a cruel punishment. It is certainly intended, that it should operate very severely on the feelings of the prisoner; yet it is not entitled to that appellation. But admit

its cruelty—to what does it lead? To reflection, to repentance and to the amendment of the criminal. His features and his limbs remain as God has made them. If he forsake the ways and devices of the wicked, no external deformity remains as a perpetual mark of public ignominy, when crime is expiated, and guilt done away.

On the whole it seems to amount to a moral certainty, that if the proposed plan of erecting separate cells in our Penitentiaries and State-Prisons should be adopted, it would prove the most likely of any, that could be designed to produce reformation in the convicts; then, and not till then, will our penitentiary system answer the benevolent and salutary purpose, for which it was intended.

3. *The importance of instructing prisoners in the principles of the Christian Religion.* The following are Mr. Eddy's observations on this head. "I would respectfully urge the propriety of having a chapter from the bible read to the convicts immediately after supper, by one of the keepers with suitable solemnity, after which they should retire to their cells, in an orderly and peaceable manner. The importance of frequently reading certain portions of the Holy Scriptures is sufficiently obvious and needs no argument from me, further than to remark, that it brings the mind to habits of reflection, and introduces a kind of routine and order highly beneficial." But besides the performance of this duty regularly every evening, the reading of a suitable portion of scripture, as often as opportunity offers, as a means of impressing on the minds of the disobedient, a feeling sense of past transgressions; thus "laying the axe to the root," and desiring that all who have ears to hear, may turn from the paths of the wicked, and be willing to be led by him, through whom alone cometh salvation, will answer an excellent purpose.

The London Society for the improvement of prison discipline in their late Annual Report very justly remarks; "Religious instruction forms, in fact, an indispensable branch of prison discipline. It is a component part of the system. Without reformation, the object of

prison discipline cannot be obtained ; without religious impressions, reformation is utterly hopeless. The prevention of crimes will never be effected by the influence of fear alone. In no Christian or civilized country has unmixed severity ever attained this object. The criminal thus treated, experiences a feeling of injury ; resentment is excited in his bosom, and the energies of his mind are exerted to resist correction. He hardens, and nerves himself to prove to those who are likely to be influenced by his example, the firmness of his character, and the impotency of all efforts to reclaim him ; his detestation of those who have authority over him, and his contempt for their punishment. This is the natural effect of severity on minds unimpressed with a sense of duty, and uninfluenced by restraint. And on whom is it proposed to exercise this discipline ? On those who have in a greater or less degree renounced this sense of duty, and who despise all restraint. If the true end of punishment be sought for, other motives and feelings besides those which are produced by terror, must be brought into action. The offender must be regarded as a moral agent, and an accountable being. His mind must be impressed with religious principles, and his heart meliorated by religious feelings ; and he must be convinced how deeply his reformation is connected with his best interests here, and his happiness hereafter." The communication of religious instruction, while it militates against no just punishment, induces habits of order and subordination. It appears, however that in most prisons in England as well as in America, too much dependence has been placed on the deterring influence of treadmill and other labour ; while but little earnestness has been evinced to take advantage of that subjection of mind, which the punishment has a tendency to produce, and which might be available for the purpose of religious impressions and permanent improvement. There is nothing in the most severe kind of the labour of a Penitentiary, which may not be made to strengthen the power of religion and extend her influence over the mind and feelings of a prisoner. It would be indeed to be deplored, were the introduction of hard labour to be considered as



superceding or weakening the necessity for the labours of the ministers of the gospel, and other pious persons, without which the great objects of prison discipline can never be attained. Religion is essentially necessary for the present as well as for the future happiness of man, in every situation, in which it is possible that he may be placed ; but more especially when he is under the heavy pressure of adversity. It is then that the importance of calling on God, in the day of trouble can be more easily impressed on the mind than at any other time, and the impressions then made will be more likely to be permanent and productive of salutary consequences. Deists and free thinkers, I mean those *wisecracks who never think at all*, may sneer at these ideas, as the effusion of an enthusiast, but the man, who is thoroughly acquainted with the Christian Religion and the depravity of the human heart, will acquiesce in opinion with me, that the consolations of religion can never be more seasonably administered, than to the unfortunate, when overwhelmed with calamity.

It is to be regretted, that in the superintendence of our criminal prisons, while great attention has been paid to many things of minor importance, *the one thing needful* has been too much neglected. In this city, the Rev. Mr. JOHN STANFORD, who is now verging towards the 70th year of his age, is Chaplain of our three criminal establishments, viz. the Bridewell, the Penitentiary, and the State-Prison, as well as of the Alms-House, the City Hospital and the Debtor's Apartment. Now although it is impossible, that any one can be more active than this zealous veteran in the service of his divine master, yet little benefit can be expected from his efforts, as three active men would find sufficient employment in performing the duties, which are assigned to him alone. In the Penitentiary, he preaches one sermon to the males, at one o'clock, on every Sunday, and another to the females on every Friday afternoon. This is by no means sufficient to answer the purpose for which these religious exercises were intended, as what they hear in one sermon will be totally forgotten before they can have an opportunity of hearing another. Before we can expect much

good to result from religious instruction to convicts, it is essentially necessary, that there should be "line upon line and precept upon precept, here a little and there a little;" From one chaplain, however, whose duty it is to officiate to six different establishments, all of which stand in need of spiritual directions, it is evident that no farther assistance to the convicts in the Penitentiary can be expected. But as I am morally certain, that the religious instruction of criminals will be more conducive to their reformation than any other means which have been, or ever will be adopted. I cannot dismiss the subject without some further observations. Till some better means can be adopted, I would humbly recommend, that in the Bridewell, the Penitentiary and the State-Prison, a prudent, intelligent, and pious person should, by and with the advice and consent of the Chaplain, be appointed for each. It should be his duty to read, with due solemnity, a portion of the sacred scriptures; and either to say extempore or to read suitable prayers for the prisoners, every evening before they retire to rest. He should likewise perform the same duty on every Sunday morning; and in case that neither the Chaplain, nor any other clergyman should be there to officiate, he should at the usual hours of public worship, read a sermon in the forenoon, and another in the afternoon accompanied with prayers, and praises to the Most High, in psalms and hymns and spiritual songs. The persons to be selected for this purpose should be men of unblemished reputation, of respectable natural parts, of conciliating manners, and anxious, as far as may be consistent with propriety to gain the confidence and affection of those, with whom it will be their duty to have frequent conversation. In a word, their qualifications ought to be precisely of the same kind as those, of which I have supposed that the matron should be possessed. See page 32. In their admonitions, whatever may be their opinion of the enormity of the prisoner's guilt, they must shew no austerity; but endeavour to convince him, that they have his interest sincerely at heart, that the punishment inflicted upon him is intended for his good. and that if he earnestly pray to God for his guidance and direction, he

may by his grace be enabled on his return to society, to become useful to himself and to the world. Each of those persons should reside either in or at the establishment, to which he respectively belongs; so that he may have an opportunity of being with the prisoners at all suitable occasions. I shall close my remarks on this subject by a short quotation from a letter written by William Rawle, Esq. of Philadelphia :—"The chief improvements wanting appear to me to be the enforcing a more close and regular attendance to religious duties. In no other way can the obstinacy of these people's hearts be affected."

Intimately connected with this subject is the judicious selection of officers, a measure which is indispensibly necessary to give to the Penitentiary system a fair trial. In the following observations, however, I wish it to be clearly understood, that I have no particular reference to the officers of the establishment at Bellevue, all of whom are, as I believe, actuated by a sincere desire to perform their duty with fidelity; but they are applicable to the managers, overseers, commissioners, or directors, by whatever name they may be called, of every criminal prison in the United States, and indeed, in every other country. In a system founded on such principles, and embracing such objects, it is indispensable, that from the superintendent, through every gradation, to the lowest officer in the establishment, an unbroken chain of co-operation should be found throughout, to promote the moral and religious improvement of the prisoners. Every thing, which is pre-ented to their view, should bear an aspect suitable to a school of reformation, which forming at all times a contrast to those scenes to which the unhappy inmates have been accustomed, will impress, daily and hourly upon their minds, those lessons, which the superiors of the establishment have inculcated. And perhaps the expectation of sound and permanent improvement is not more likely to be realized from the direct means of instruction, than from the ever co-operative effect of an uniform and harmonious system of morality, order and subordination.

## CHAPTER VII.

*Of measures necessary to be enforced to lessen the number of crimes.*

IF it be an object of importance to reform the morals of criminals, it would certainly be of much greater, if a mode could be devised to lessen the number of crimes ; for although cure is very good, prevention is still better, and while we are laudably concerned in endeavouring to reclaim the evil members of society, let us look to the sources, from which much of the malady springs, and thereby endeavour to prevent the consequences.

The sources to which the commission of crimes may be attributed are numerous ; but I shall endeavour to comprise the observations which have occurred to me on the subject within the following heads :—

1. The too frequent intervention of pardons.
2. The total neglect of the education of some thousands of children, owing to the de ased character and vicious habits of their parents, although good schools and the necessary books are provided for them *gratis*.
3. The open profanation of the Lord's day, by many of our citizens ; but more especially by young people, who instead of devoting it to attendance on public worship, too often spend it in revelry, extravagance and dissipation.
4. The shameful number of grog-shops, gambling houses and brothels which exist in our city, to the great injury of the morals of adults ; but often to the complete ruin of many young persons, who by haunting these dens of iniquity have thereby blasted the fond hopes of their parents.
5. The too frequent interposition of the pardoning power. This has been considered as a source from which the most mischievous consequences have resulted, by a number of the most intelligent men in the United States.

The opinions of many of those distinguished citizens are stated at length in Colonel Haines' truly valuable "Report on the Penitentiary System in the United States," of which interesting publication I have already taken notice. Some of the gentlemen to whom I allude are, the Honourable Joseph Hopkinson, the Right Rev. Bishop White and Roberts Vaux Esq. of Pennsylvania, Daniel Raymond Esq. of Baltimore, Samuel P. Parsons Esq. of Virginia, His Excellency William Plumer, late Governor of New Hampshire, the Honourable Ogden Edwards and Samuel M. Hopkins, Esq. of this city, and the Honourable Daniel Chipman of Vermont. It would have given me pleasure to transcribe the sentiments of these respectable gentlemen in their own words; but as my limits compel me to study brevity, I must, in general content myself with an abstract of what they have advanced on the subject.

In every department of law, there are certain fundamental maxims, which truth, experience and universal assent render sacred and unquestionable. Thus all jurists and legislators adopt the principle, that the *certainty* of punishment is the prevention of crime. This was a favourite feature in the writings of Beccaria. It was laid down by Sir Edward Romilly, one of the greatest lawyers ever produced in England, that could punishment be reduced to *absolute certainty*, a very slight penalty would prevent every crime, which was the result of premeditation. But the effect of granting frequent pardons goes directly to diminish that *certainty*. Besides if pardons be granted, without due discrimination, there is extreme and bare faced injustice in the policy; and it is a sound maxim in jurisprudence as well as morals, that he who attempts to punish another for offending against Justice, should himself be just. It is however a melancholy truth, that the most notorious felons have again and again been pardoned from our criminal prisons, while the young and inexperienced culprits, for committing crimes of comparatively petty magnitude, are confined for years.

It was a capital argument with the friends of mild punishments, that we would gain by *certainty*, what we



would lose in *severity*; that laws cannot be executed, which shock the good feelings of mankind; that juries would not convict, when they could, by any possibility evade the evidence; and that were convictions obtained, pardons must be constantly interposed to prevent the infliction of a cruel and disproportionate punishment. All this was to find a remedy in the Penitentiary system, under which condign punishment was *infallibly* to follow the detection of the offender. But the facility of granting pardons on the recommendations of some eminent persons, who often have no knowledge either of the criminal or of his crime, has greatly impaired the foundation of the system, and deprived us of the uses, which might have been derived from it under a more rigorous execution of its provisions.

The Honourable Ogden Edwards, when speaking in the late convention of this State, on the effect of granting pardons, expressed himself to the following purport; "That by the indiscreet use of the pardoning power, the administration of justice had become relaxed; that if not checked, we should soon have to erect a State-Prison in, perhaps every county of the State. The exercise of the pardoning power is humane and agreeable to the best feelings of the human heart; but sad experience has taught, that the interests of the community require, that the civil arm should be brought to bear with power upon malefactors." He concludes in the following words. "Unless we abolish this system, we may as well open the prison doors at once. Prisoners enter novices in iniquity, and remain long enough to become professors of all its arts. This is the practical operation of the system, and unless we nerve ourselves against it, sooner or later, the rights of the people of this State, will be held by a very precarious tenure. This sickly sympathy is wearing away the foundation of our laws. Placed here as one of the guardians of the rights and privileges of the people. I wish to have such a provision inserted in the constitution, as shall prove an efficient check upon vice."

The words of Mr. Plumer, on the evil tendency of too often exercising the pardoning power, are full of sound sense and correct observation. "The power of grant-

ing pardons," says he, "should be seldom exercised. The *certainty* of punishment has a great, if not a most powerful influence upon the wicked in restraining them from the commission of crimes. The government should, therefore, avoid every thing that has a tendency to impair the force of that certainty. A hardened, subtle offender, dead to moral feelings, calculates upon the many chances he has to escape punishment. His hopes are strong, that he shall not be suspected, that if suspected he shall be able to avoid arrest; that if arrested, proof will not be obtained to convict him, and if convicted, that he shall be pardoned. That spirit of benevolence, which often prompts public officers to pardon the guilty, does honour to the heart, but it impairs the security of society. During the four years, I was governor of this state, I pardoned but two of the convicts, who were confined in the State-Prison; although the applications, for the first two or three years, were numerous, and supported by the recommendations of many respectable characters. *I did not consider myself at liberty to question the propriety of the opinion of the court, who rendered the judgment. I believed they were the only tribunal competent to pronounce upon the innocence or guilt of the accused; and that their own decision ought to be conclusive.*"

Mr. Raymond of Baltimore, says, that "Some of the facilities of escaping punishment might be easily remedied, and with this view, I would deprive the governor of the power of pardoning, and granting a *nolle prosequi*. I consider the power to be attended with the most mischievous consequences, and should be taken away entirely. In the first place, this must be a most unpleasant power for an honest and humane man to exercise. In the next place there can be no hope, in the present state of society, that it will be exercised with rigour and impartiality. Those who have strong friends will obtain a *nolle prosequi* or a pardon, be their crimes small or great. Those who have not friends will never obtain either the one or the other. But these are by no means the worst consequences of this power. It is the anchor of hope to the accused and the convict, and there is ve-

ry little hope of penitence or reformation, so long as there is hope of escaping punishment. A single spark of hope will support a mind, which without it would sink into contrition and repentance."

It is probable that pardons have been granted more lavishly in this state than in any other in the Union, and the consequence has been peculiarly disastrous. In a very interesting and luminous report, presented to the Honourable the Senate by Samuel M. Hopkins Esq. on the Penitentiary System in our own state, in the session of 1821. It states the overwhelming fact, that since the State-Prison was opened in the year 1796, till that period, the total number of convicts committed to the State-Prison, was 5,069, of whom more than one half have been pardoned; that is 2,819.

But for this excessive liberality of our governors in granting pardons, no great blame can be attached to them, as they were frequently driven to the measure by imperious necessity. Our State-Prison had been built to accommodate 300 persons, and more than 700 have been confined in it at once. From this crowded state of the prison, as is observed in a report to the legislature in 1817, "the Judges of the Supreme Court have been obliged to recommend for pardon, and the executive to exercise his constitutional power of pardoning, merely for the purpose of making room for the reception of new offenders. The sentence of the law must, in the first instance, be complied with; the convicts must be received in the prison, and put to labour; but before their time of service has half expired, it has been found indispensable to get rid of them, in order to make room for others, under similar circumstances." Since this report was made, however, some mitigation of the evil must have taken place, in consequence of the erection of the new prison at Auburn.

On the whole, this abuse of executive justice strikes at the root and contravenes the end of all criminal codes. This truth has been seen and felt in other countries besides our own. Beccaria, Sir Samuel Romily, and Mr. Colquhoun, reprehended it on the other side of the wa-

ter, and Sir James M'Intosh, in a debate about six years ago, in the British House of Commons, on some of the penal laws, stated to that body "that one pardon contributed more to excite the hope of escape, than twenty executions to produce the fear of punishment; and that an able and ingenious writer, who as a magistrate, was peculiarly competent to judge forcibly, argued, that pardons contributed to the increase of crime."

From the preceding observations it will appear, that most of these intelligent statesmen and philanthropists, whom I have mentioned, wish to deprive convicts of the possibility of obtaining pardons in any case whatever; others are of opinion, that any individual, however correct his motives may be, is incapable of exercising this power with strict impartiality, and that it might be more properly vested in the legislature of each state. But I am induced to believe that both these opinions are wrong. Our State legislatures are in session only for a few months; some of them for a few days in a year, and a case may occur, where justice as well as mercy may require that a pardon should be granted without delay. And where it is possible, that this power can be deposited with equal propriety as in the hands of the Executive? but in the exercise of this power, on which the happiness and security of society so essentially depend, the greatest caution should be used. On this subject I deem the opinion of the Honourable Mr. Hopkins to be perfectly correct, and with it I shall close this article. "Except," says he "in very rare and extraordinary cases, a pardon should be founded only on circumstances of excuse or alleviation, attending the commission of the crime, but insufficient to warrant a legal acquittal, or on the discovery of facts unknown at the trial, which would probably have produced an acquittal."

*Secondly.* The total neglect of the education of children owing to the debased character and vicious habits of their parents. For the conduct of such unfeeling wretches it is impossible to form any apology. In this city the very poorest of the inhabitants, without any reference to complexion or to the place in which they were born, have the means of education placed within their reach;

but such is the shameful indifference of their unnatural parents, that their children do not partake of its blessings ; for rather than put themselves to the trouble of sending them to school, they suffer them to remain in perfect ignorance and idleness. Amongst the many adages, which we may daily hear, there is none in which there is more truth than in the following. "Idleness is the nurse of vice." From the time that a child is able to distinguish between good and evil, till he arrive at old age, if he be in health, he must either be constantly engaged in some laudable pursuit, or he will certainly become vicious. What then must become of these unfortunate children, who instead of receiving instruction in the principles of morality and religion, are permitted to ramble through the streets without any kind of restraint, and by associating with others already hacknied in vice, soon become as depraved as the worst of them. Thus many who, before they have attained the tenth year of their age, might have been instructed in the principles of the Christian religion and in the elements of most of those branches of knowledge, which are requisite to the ordinary transaction of business, become adepts in street begging and pilfering, as well as other offences, which render them liable to punishment. It ought to be observed, however, that the faults, committed by these infatuates, are more to be attributed to their unnatural parents, than to themselves ; as it is to be feared, that instead of checking them for their dishonesty, they too often encourage them to persevere, by participating in the fruits of their iniquity. From these wretches, therefore, the public good, as well as the happiness of the children, demands, that they should be taken away, *if necessary, even by force*, and placed in a situation, where remote from the contagion of bad example, they may, by proper instruction and good government, be rescued from that destruction which, without such interference, would certainly await them. The measure which I thus recommend may at first appear harsh, and rather inconsistent with the spirit of a free government ; but when parents, after repeated admonitions, totally neglect their children in that point which is most essential to their future



welfare, such children ought to be considered as orphans, and reared at the public expense. It may be objected that their maintainance would be a burden to the community. Be it so—but will not the sum necessary for preparing them to be useful members of society be much less than that which, should this be neglected, will be requisite to attempt their reformation, after they shall have become criminals? And to which of these two expenditures will our benevolent citizens contribute with the greatest pleasure? It need scarcely be observed, that the confinement of juvenile miscreants, in the same place with old and inveterate offenders, only tends to harden them in guilt and to render them miserable through life. On this point, no words can be found more appropriate than those of the benevolent HOWARD. “If,” says he “it were the aim and wish of magistrates to effect the destruction, present and future of young delinquents, they could not devise a more effectual method than to confine them so long in our prisons, those seats and seminaries of vice.”

In the sixth annual Report of the Society *for the prevention of Pauperism* in this city, accepted February 7, 1823, we find the following judicious remarks. “The great preventive of juvenile delinquency is doubtless, the general diffusion of moral and religious instruction; to fortify the infant mind with good principles and place it above temptation and the contagion of bad example. There is a fact stated by the *Trustees of the free-School society*, which ought to be generally known, that of the 14,000 children, who have been there educated, but *one* instance had been known of an arraignment at a criminal bar. How true is that golden proverb of the wise man, “Train up a child in the way he should go, and when he is old, he will not depart from it.”

When we see a criminal of forty years of age or upwards, condemned in a court of justice, *he* is, in general an incorrigible offender, and we are taught to fear from experience, that there is little hope of *his* reformation by the exercise of any *human means*; but it is by no means, so with young transgressors. From them, by such means as God has put in our power, we have

reason to hope for the most salutary effects, and it is therefore our bounden duty to make the best possible use of them. To stimulate us to industry in this laudable undertaking, the following quotation from the Report of "*The Society for the Reformation of Juvenile Offenders*," in London, 3d June, 1822, affords the most ample encouragement. "The success of this institution (**THE TEMPORARY REFUGE**) satisfactorily proves that there are but few even amongst the most guilty, who may not by proper discipline and treatment, be subdued and reclaimed and justifies the Meeting in the conviction, that no measure would be so efficacious in arresting the progress of juvenile delinquency, as the establishment of a well regulated prison for the reformation of criminal youth." And why may not as much good be expected from our **HOUSE OF REFUGE** in this city? This institution was set on foot by the unceasing exertions of the Honourable **CADWALLAD R. D. COLDEN**, aided by **JOHN GRISCOM**, **JOHN DUER**, **ISAAH COLLINS**, **THOMAS EDDY**, Esqs. the **REV. JONATHAN W. WAINRIGHT**, and some other benevolent citizens, who on the 29th of March last, obtained the act for incorporating "*The Society for the Reformation of Juvenile Delinquent Offenders in the City of New-York*," and the building is now (Oct. 30.) in so great a state of forwardness, that it will be open for the reception of suitable objects some time in the ensuing month. This bids fair to vie, in point of utility, with any of the numerous charitable establishments, with which this metropolis abounds; and when the great increase of juvenile depredators is taken into consideration, the exertions of its benevolent founders to check an evil fraught with consequences so fatal to the best interests of these unhappy youths, and so injurious to the peace, morals and property of the community will, no doubt, meet with liberal patronage from those of our wealthy and opulent citizens to whom Divine Providence has afforded the means. In Massachusetts, there is a prison for young convicts in each county.

*Third.* The open profanation of the Lord's day, by many of our citizens; but more especially by young people, who instead of devoting it to religious worship, too often spend it in revelry, extravagance and dissipation.

For the due observance of this day, we have a law of the State as well as of the Common Council ; but it is to be regretted that neither of them is enforced with that rigour, which the good of the community requires. It is a notorious fact, that on that day, which the religion and laws of our country, has appropriated to the worship of God, many of our labourers spend, by far the greatest part of their wages, in intoxication and profanity ; devote that time, which was allotted to them for rest and the service of their maker, to purposes equally injurious to their health, reputation, and eternal as well as temporal happiness. It is equally true, that many hundreds of our giddy and unthinking youth are guilty of more vice and immorality on that day, than on all the other days of the week. It is impossible that their active minds, can be at rest, for they must constantly be engaged in one pursuit or other. Hence, if they cannot be persuaded to follow that course which would lead them to happiness, they will certainly adopt the other, which is the broad road to destruction.

The violation of the Sabbath day has been so often pointed out from the pulpit as well as from the press, as a breach of religious duty, that although I believe it to be of divine appointment, I shall at present consider it, in that light which shews, that its observance has a great tendency to promote *worldly* prosperity. Let us suppose that though a man have no regard to the Christian religion, he wishes that as soon as his son or apprentice shall arrive at the years of maturity, and begin to do business for himself, he may be able to act his part with propriety, and make a decent figure in the world. Would he not wish that such son or apprentice should contract habits of sobriety and economy, rather than those of intemperance and extravagance. Would he not perceive, if he were a man of discernment, that every seventh day regularly spent in dissipation and folly, would at least lead to a desire to pursue the same course on the six intervening days ? Would he suppose that a son or apprentice, who weekly squandered as much money as he could command, on worse than useless purposes, would be equally honest, or as attentive to his father's

or master's interest as he, who expended nothing, except what was necessary for his personal comfort or for innocent and rational amusement? And which of the two would he suppose would be most likely to become an useful and honourable member of society? I am satisfied, that if such an one, after taking the preceding queries into due consideration, did not deem it his duty to persuade his son or apprentice to go to a place of worship, where he might get some advice, which would tend to his benefit, he would at least dissuade him from resorting to those haunts of iniquity, where he runs the greatest risk of learning some principles and practices, which will be highly injurious to his happiness.

*Fourth.* The shameful number of grog-shops, gambling houses and brothels, which are suffered to exist in this city. Under this head, I am far from including many honest persons who are regularly licensed to keep petty taverns, and who would neither allow gambling, excessive drinking, nor any other immoral practice to be carried on in their houses; but it is to be regretted, that there are others, whose only object is to acquire profit, to which end they employ every artifice in their power, to entice the labourer to squander, in intoxication, those earnings, by which his family ought to be supported. And what is still worse, they often permit boys to tipple in their detestable holes; whereby many of our youths become habitual drunkards several years before they arrive at manhood. There they are, likewise, allowed to play at cards, or any other kind of game, till the whole of their money be expended, after which their company is no longer agreeable. In these places the morals of many of our young people are corrupted, and their ruin completely effected to the unspeakable grief of their parents. These dens of immorality are easily distinguished from those places which are kept by orderly people for the retail of ardent spirits, and for the moderate refreshment of their guests. The former exhibit constant scenes of quarrelling and riot, from whence arise lawsuits and criminal prosecutions, while the latter in which no disturbance is allowed, may be considered as necessary for the accommodation of the public.

The habit of drinking ardent spirits which is too often learnt or at least greatly increased in these noisy and disorderly grog-shops is productive of such dreadful consequences, as it is impossible to describe. It enervates the mind, sours the disposition, inflames the passions, renders the heart callous to the feelings of humanity, and leads to the neglect and violation of the social duties. It lays the foundation of many diseases, and makes others terminate fatally, which would otherwise yield to the power of medicine. By many it has been deemed fully as destructive to the human species as the sword; and in this country it furnishes death with more victims than all the other causes of premature mortality. Drunkenness is a vice which is more injurious than any other to religion and morality, to good government and social order, to justice and equal rights of fellow citizens. As intemperate men lose all want of character and of country, they become the worst of population in a free state. Their vice begets poverty, poverty enforces dependence, and dependence increases corruption. In the United States, *this baneful vice occasions more than one half of our paupers, a large proportion of our insolvents, and by far the greatest part, at least seven eighths of those unfortunate beings, who inhabit our criminal prisons.* In regard to the great moral evils, family distresses and degradation of character produced by inebriation, they must, in all parts of our country, be daily seen by the people at large. On this distressing subject, so truly disgraceful to our country, a writer in the North American Review, thus expresses himself. "Go where you will," says he, "you cannot escape the sight of this destroyer of domestic peace and public virtue."—It is boldly alleged as the excuse of crimes, and there is no transgression, for which the offender does not think that he has sufficiently apologized, when he says, that he was intoxicated." Now, does it not evince an unparalleled degree of impudence when a man shews himself so lost to shame, as to attempt to vindicate himself for the commission of one crime, by confessing, that he had *voluntarily* been guilty of another, which was the occasion of it? And is it not an aggravation of his crimes, that at the time when



he was committing the first, he well knew, that it would deprive him of the use of his reason, and thereby render it probable that he would be guilty of a second? In one of the wisest of the ancient nations, drunkenness was deemed so odious and criminal, that a law was made subjecting him to a double punishment, who committed a crime when drunk; viewing his intoxication as one of the crimes, that made such double punishment just and proper. Other nations, the wisest and the most civilized, have invariably enacted laws to suppress intemperance, deeming it a crime *loathsome and odious* in itself, and in its consequences ruinous to families and society; subversive of public order, and the poison of morality, the enemy of religion and the source of disease.—The oracle of the English law pronounced a drunkard a *voluntary dæmon*, and it has ever been the language of the English law and of ours to every person, “You shall not excuse the crime of murder by alleging the crime of drunkenness.”

Against this abominable vice, a late President of the United States, bears the following testimony, in a letter which was published a few years ago, in many of our most respectable gazettes; “A drunkard,” says he, “is the most selfish being in the universe. He has no sense of modesty, shame or disgrace; he has no sense of duty, or sympathy of affection with his father or mother, his brother or sister, his friend or neighbour, his wife or children, no reverence for his God, no sense of futurity in this world or the other; all is swallowed up in the mad, selfish joy of the moment. Is it not humiliating that Mahometans and Hindoos should put to shame the whole Christian world, by their superior examples of temperance? Is it not degrading to Englishmen and Americans, that they are so infinitely exceeded by the French in this cardinal virtue? *And is it not mortifying beyond expression, that we Americans should exceed all other eight millions of people on the globe, as I verily believe we do, in this degrading beastly vice of intemperance.*” But upon this subject, it would be needless to enlarge. The highest authority has pronounced it a sin, which excludes from a happy immortality.

Since drunkenness is a vice, therefore, so peculiarly

degrading to our national character, surely every one who is interested in the preservation of the peace, the welfare and the liberty of his country, every one, who reflects on the spirit, the laws and the sanctions of the holy religion, which he professes, must be impressed with the necessity of endeavouring to eradicate the progress of this evil from our otherwise happy land. "A heavy tax," says the writer whom I have last quoted, "upon domestic as well as foreign spirits, is a remedy, from which most is to be hoped; but unhappily it is too much opposed by considerations of private interest, and a love of popularity in rulers, to leave much expectation of its being speedily adopted." The persons, who sell ardent spirits by retail in this city, amount to at least 2000, and half that number would be more than sufficient to answer every useful purpose. The number of licenses should, therefore, be greatly diminished and given to none, except to persons of unexceptionable character, who should, likewise, give ample security for their conforming to the laws respecting the regulation of taverns. This would put no one, who is worthy of obtaining a license to the least inconvenience, as he could easily find a respectable friend, who would cheerfully be surety for his good behaviour, and would be pleased with a regulation which would add to the respectability of his calling, whilst at the same time it would prove an inseparable barrier against those unprincipled wretches who, regardless of consequences, and solely bent upon gain, keep their filthy grog-shops, as nuisances of intemperance, disorder and profligacy, to the irreparable injury of many of our most promising young people. It would also seem proper, so to enhance the expense of obtaining license to retail spirituous liquors, as to diminish the number of applicants. The existing laws against disorderly houses and persons retailing ardent spirits, without license, (of whom there are many) ought likewise to be *rigidly enforced*. A law without execution is equally inefficient as a sword in its scabbard. It is a body without life; a cause without an effect; a countenance of a thing, and in fact, nothing. The time of a legislature is uselessly employed, if they enact laws, without devising the adequate means of causing them to be enforced.

To devise, however, the most effectual means for checking and restraining this inveterate and growing evil, must ultimately rest with the wisdom of our corporation and legislature, and it cannot be supposed, that they will regard with indifference a subject, which so deeply involves the health, the morals and the happiness of their fellow citizens.

Of gambling houses, little need be said. Their dangerous and immoral tendency is well known to every man of the least reflection. It is a notorious fact, that the sons of our first citizens and the inmates of our most respectable families have been seduced, fleeced and ruined in these detestable haunts of iniquity.

A similar observation may be made with respect to brothels, of which the number is, in certain parts of the city, much greater than is generally imagined. But our police magistrates are entitled to much credit for their active exertions in endeavouring to check this evil. Let the following fact speak for itself. On Nov. 1st there were 152 female prisoners in the penitentiary, of whom 37 are convicts, and 14 maniacs; of the other 101, almost the whole of them are common prostitutes, who have been committed under the vagrant act. If the old wretches, who keep these places, could be taken up and severely punished, it would be a more effectual remedy.

Of the two last vices, it may be observed, that if drunkenness could be suppressed, they would certainly meet with a very severe check. Some people of temperate habits may be addicted to them; but most of those, who frequent gambling houses and brothels, particularly the latter, will be found to be drunkards—the most certain mode, therefore, of eradicating these, and other vices, will be to banish drunkenness from amongst us. Then and not till then, shall we be blessed with a thorough reformation of morals; then will the number of crimes be diminished, and we shall soon find our Alms-Houses, Debtors' Apartments, and criminal prisons, much less crowded than they are at present.

It would be absurd to suppose, that it is within the compass of human exertions to suppress this most detestable vice at once; but it is certainly in the power of

the wise and the good to do much to restrain and limit its pernicious consequences. They may for example, by their importunities, induce the legislature to pass such a law as was some years ago recommended by the Honourable DEWITT CLINTON, when governor of this state, "to prevent the habitual drunkard from exhibiting, in public, the odious vice of drunkenness, and by its frequency rendering it less detestable; and to restrain him from wasting his property and thereby bringing his family, for whom he is bound to provide by the strongest obligations, to want and wretchedness." The very magnitude of the evil, which we so much deplore, will, in no small degree work its own cure. Our history is one standing proof, that the greater the evil the more certain the remedy, if within the scope of human means; because the wide extended efforts of a great and free people are not often made to remove small evils; but will invariably be made, in time, to remove very great ones. To effect this object must be a work of time, patience and perseverance; but as for the last ten or twelve years, men highly distinguished for talents, virtue and piety, have in different parts of the United States, been exerting themselves in this good cause, with a zeal, which does them the greatest honour; their efforts will, no doubt, be ultimately crowned with success and the pernicious effects of intemperance greatly circumscribed.

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## CHAPTER VIII.

### *Of the Treatment and Diet of Convicts.*

It was far from being the intention of the legislature of any state, which has adopted the Penitentiary System, that convicts should find their prison to be a place of ease, comfort and enjoyment. On the contrary, it was one of the principle objects of such institutions, that the anticipation of being immured within their walls should be productive of terror; for the great object of punishment, though not the ostensible one, is to deter others from

committing offences. A Penitentiary must, therefore, to answer the design of its establishment, be made a place of *real* punishment to those, who are sentenced to confinement in it, and it is no less than a mockery of Justice, to shut up those criminals in Penitentiaries, to whom they have no terrors, and who, in reality, enjoy as much happiness, while there, as they were accustomed to while at large in the world. In order that a Penitentiary System may be rendered effectual; care must be taken, that in our criminal prisons, there should be nothing attractive to the idle, the needy, and the profligate, by holding out the idea of comfort and convenience. Felons must not eat better food, find their animal spirits better sustained and be more comfortably clothed, after sentence in a court of justice, than they ordinarily enjoyed in the busy world, before its freedom was taken from them. Personal liberty is dear to mankind; but repugnance is diminished, when something like an equivalent is found for its privation in an improved state of existence. What aspect then should a criminal prison produce? A place, where every thing conspires to punish the guilty. There should be nothing in it, that is either pleasant or inviting.

These ideas may, to some persons, appear to savour of inhumanity; but if I know my own heart, I am actuated by a very different motive. Our most eminent jurists, our learned and pious divines and many of our citizens who are peculiarly zealous, in the cause of humanity, have in their writings, upon this subject, expressed the very same sentiments. Let it only be recollected, that it is the main design of the penitentiary system, to effect the reformation of offenders, and that the means heretofore adopted for that purpose, have almost entirely failed, and it will be obvious to every one, that it would be highly improper to grant prisoners any unnecessary indulgence. If the treatment which a criminal meets with, while in confinement, subject him neither to privation nor inconvenience, he regards what was intended as a punishment with perfect indifference. Hence it often happens, that he is scarcely set at liberty, before he commits some new offence, and after putting a court of justice,



a jury and witnesses to considerable trouble, and the public to about \$30 expenses, he is sent back to enjoy himself as well as he can in his former quarters. There are, at present, a number of vagrants, who have been three, and some of them, four times, lodgers in the Penitentiary, and of the convicts, there are not a few, who are now serving their third apprenticeship. There are also several persons, who have been formerly inmates of the Philadelphia State-Prison, as well as our own. Now although cruelty ought never to be exercised, in any case whatever, yet with respect to offenders whose reformation is so very hopeless, what indulgence is it possible for them to look for? The food, clothing and lodging of a prisoner should, therefore, be regulated simply with reference to the means necessary for the support of health, beyond which any allowance would be unquestionably improper. For if we are to render our criminal prisons, places where the desperate find comfort and indulgence, if they prefer to move and breathe in their walls to being in the possession of personal liberty; the terror of punishment is gone, and the dread of the law is destroyed.

Convicts who are consigned to hard labour, should be supplied with coarse, wholesome and nourishing food, and they should have it in sufficient quantities to meet the requisitions of nature. But here we should stop. Every thing calculated to inflame the passions and sharpen the evil propensities of men; every thing like good living; every thing calculated to render a penitentiary a place of gratification to the appetite should be discarded. Spirituous liquors of every description, should be rigidly prohibited, and every kind of food and drinks which contain any stimulating quality, should never be allowed except when administered as medicine.

The above is an abstract of the opinion expressed by Mr. Haines on the subject of diet in his "Report on the Penitentiary System," and from the following regulations adopted in the year 1822, by the Commissioners of the Alms-House and Bridewell, to whom the management of the penitentiary is entrusted, it will be seen that his ideas concerning the quantity and quality of the food,

to be allowed to prisoners, did not differ materially from theirs.

*Daily Bill of Fare to each of the Prisoners in the Penitentiary at Bellevue.*

*To those at hard labour.*

1 lb. of Beef or 12 oz. of Pork.

1  $\frac{1}{2}$  lb. of Bread,

and when they have fish, which is very seldom,  
1-2 lb.—

1-2 gill of Molasses ;

When they have Beef, it is always boiled, and of the soup thickened with Indian meal, and vegetables, each prisoner may have as much as he pleases. The same observation may be made, with respect to their sappa which is made of Indian meal. Fourteen oz. of tea are allowed for every hundred persons.

*To those confined in prison and not at hard labour.*

6 oz. of Beef or 4 of Pork.

Of the other articles they have the same allowance as those, who are at work.

No task is exacted of any prisoner, which it is not in his power to perform without difficulty. But if any one be refractory, and will not obey the directions of his keeper, whether it be to work on the Tread-Mill, on the roads, at the pin factory, or any ther kind of labour, a few days confinement, and nothing but bread and water, for his subsistence, seldom fails to reduce him to subjection. If a female be disobedient, she is treated in the same manner.

When convicts are sick, they are sent to the hospital, where they are exclusively under the care and dissection of the physicians, and allowed such food and drinks, not excluding wine and ardent spirits, as to them may appear most proper to promote their recovery ; and it is but justice to these gentlemen (Mr. William L. Belden and Dr. John L. Suckley) to state that they treat their patients with great tenderness and attention, and allow them to want for nothing necessary for their comfort.

No prisoners either male or female, are, after their arrival at the Penitentiary, allowed to wear their own clothes. These are carefully marked, and laid aside till

they are liberated, when each gets back his or her own. During their confinement, they are supplied with clothes from the prison, of a coarse quality, indeed, but sufficient for comfort, and suitable for the season. The clothes of the males are of the same kind of cloth, of the same colour, and all made in the same manner, so that they may be said to be dressed in uniform. The same thing may be said with respect to the females.

It has been said by some writers, that a disregard for personal cleanliness leads to the relaxation of moral principles, and that no public prison can be a place of reform, if a disregard to neatness be tolerated. To this important object, the greatest attention is paid in our penitentiary; every apartment of which is kept perfectly clean and wholesome, and the convicts are obliged to keep their persons entirely free from every kind of uncleanness. This fact has been noted with great pleasure, by many of the respectable persons, who have visited the Tread-Mill.

It has been observed, that when a convict is sentenced to *hard labour*, the spirit and letter of the law should be strictly observed. He should be put to work and kept to it, in the true sense and meaning of the words, and no favour should be shewn to one individual, which is not granted to another. To permit convicts to pass through any portion of their term in indolence, when it was intended by legislatures and courts of justice, as well as expected by themselves, that industry should be their daily lot, would be an absolute perversion of the law. They must therefore, if in possession of health and strength, be made to perform the work allotted to them; and I have never seen any task imposed upon them, which was either cruel or oppressive. If, at any time, they prove refractory, the most effectual method of bringing them to a sense of their duty is, as has been before observed, close confinement, and a diet of bread and water. This may be deemed harsh treatment; but the prisoner has none to blame but himself, as by complying with the commands of his keeper, which are never unreasonable, he can avoid being placed in so disagreeable a predicament.

During the time, that I have been an attendant at the Tread-Mill, I have observed no instance of favour, partiality or affection being manifested to any of the prisoners; yet I have sometimes seen a few of them, as I thought, very properly exempt from the performance of as much labour as was exacted from others. Let the following speak for itself. When a person is put to the Tread-Mill, who has been brought up in a delicate manner, and who, very probably, never did an hour's hard labour in his life, it must be obvious, that it would be unjust and tyrannical, to exact as much labour from him as from his stout and rugged companions, who had been accustomed to toil and hardships from their younger years. Till such an one, therefore, gets inured to the labour, he is only expected to perform such proportion of the task as may be suited to his strength; and notwithstanding this indulgence, he will be more fatigued at the close of the day, than his companions, who have done much more than he. The same rule is, likewise, observed with respect to those, who are feeble and labour under great debility. In such an establishment, much must be left to the discretion of the keepers in these as well as in some other cases, in which it is impossible to lay down any particular rules, and of this discretion, I have never known them to make an improper use.

I shall conclude my observations upon this important subject with lamenting in common with the many friends of the penitentiary system, that as yet, it has been far from answering the humane purpose, for which it was intended. Still, however, it must not be abandoned; as we have the strongest reason to believe, that, as experience has pointed out to us some of its radical defects, the wise and intelligent legislatures of the different states, will be able to obviate them, and so to improve and new model the whole, as to render it highly conducive to the prevention of crimes, as well as to the reformation of criminals. If in the preceding pages, I have advanced any sentiments, whether borrowed from others or the result of my own observation, which can tend to the accomplishment of this truly salutary object, I shall rejoice in the pleasing thought, that my time and labour have

been usefully employed; and though it be impossible, that men should think alike on a subject of so great importance, as that, which aims at the correction of inveterate evils, I have advanced no opinions, which are not supported by very respectable authority.

## CHAPTER IX.

### ABSTRACT

*Of the act to incorporate the Society for the reformation of Juvenile Delinquents in the City of New-York,—*  
Passed March 2d, 1824.

As reference has been had to the said act, page 53, and there is great reason to hope, that it will, when carried into full operation, be productive of much good to the public in general; but more especially to those for whose benefit it was more especially enacted, it is hoped that the following abstract will be satisfactory to many of my readers. The preamble reads thus :

“ WHEREAS, by the petitions of several inhabitants of the city of New-York, it is represented, that they are desirous of establishing a society, and HOUSE OF REFUGE, for the reformation of juvenile delinquents in the said city, and have prayed to be incorporated, Therefore.”

*Be it enacted by the people of the State of New-York, &c.* 1st. That all those, who now are or hereafter shall become subscribers to the said association shall be a body corporate by the name of “ The managers of the society for the Reformation of Juvenile Delinquents in the city of New-York,” with the usual privileges, and shall be capable in law of purchasing, holding and conveying any real or personal estate: *Provided*, that such real estate shall never exceed the yearly value of \$10,000, nor be applied to any other purposes, than those for which this incorporation is formed.

2d. That the intended concerns of the said corporation shall be managed by a board of 30 managers, to be elected annually by the members resident in the city of New-



York, on the 3d Monday in November and that the following persons shall compose the said board, till the 3d Monday of November, which will be in the year 1825, viz. Cadwallader D. Colden, John Griscom, John Duer, Jonathan W. Wainwright, Isaac Collins, Thomas Eddy, Ansel W. Ives, John T. Irving, John E. Hyde, Cornelius Dubois, James W. Gerard, Joseph Curtis, John Stearns, Ralph Olmsted, Robert F. Mott, Stephen Allen, Henry I. Wyckoff, Samuel Cowdrey, John Targee, Arthur Burtis, Joseph Grinnell, Hugh Maxwell, Henry Mead, Peter A. Jay, Gilbert Coutant, Cornelius R. Duffie, James Lovett, John R. Willis, William M. Carter and Frederick Shelden, and that no manager of the society shall receive any compensation for his services.

3d. That if the annual election shall not take place at the time prescribed, the managers of the board shall continue in office till a new election : and that in case of an equality of votes for one or more persons as a member or members of the board of managers, the said board shall determine which of such persons shall be considered as elected, and such person or persons shall take his or their seats accordingly.

4th. That the said managers shall have power to take into the *House of Refuge*, all such children, as shall be taken up or committed as vagrants, or convicted of crimes in the said city, as may in the judgment of the court of Sessions, the court of Oyer and Terminer, the Jury before whom any such offender shall be tried, the Police magistrates or the commissioners of the Alms House and Bridewell, be proper objects, and the said managers may place the child committed to their care, during their minority, at such employments, and cause them to be instructed in such branches of useful knowledge, as shall be suitable to their years and capacities ; and they may bind out the said children, by their consent, as apprentices or servants, during their minority, to such persons and at such places, to learn such trades and employments, as in their judgment, will be most for their reformation, amendment, and the future benefit and advantage of such children : *Provided*, that the power of the said managers shall not extend to the case of the females beyond the age of eighteen years.

5th. That all the provisions in "The Act concerning apprentices and servants," relating to the covenants to be inserted in the indentures of apprentices and servants, made by the overseers of the poor, and the provisions of the 6th, 9th, 10th, 11th, 12th, and 13th sections of the last mentioned act, shall apply to the apprentices and servants, and the persons to whom they may be bound, by virtue of this act.

6th. That the said managers may make by-laws, and regulations, relative to the management and disposition of the estate and concerns of the said corporation, and the management, government, instruction, discipline, employment and disposition of the children in THE HOUSE OF REFUGE, or under their care, not contrary to law, as they may deem proper; and may appoint the necessary officers, agents, and servants, to transact their business, and designate their duties; *And further*, That the said managers shall annually report to the legislature and to the corporation of the city of New-York, the number of children received by them in the said HOUSE OF REFUGE, the disposition, which shall be made of the children by instructing or employing them in the said house, or by binding them out; the receipts and expenditures of the said managers, and generally all such facts and particulars, as may tend to exhibit the effects, whether advantageous or otherwise, of the association.

7th. That this act shall be a public act, and be construed in all courts and places, benignly and favourably, for every benevolent purpose therein contained.

8th. That the Legislature may, at any time hereafter, alter, modify, or repeal this act.

Soon after this Society was organized, the managers published An Address to the Inhabitants of this City, in which they explain the nature and design of the association in the following words.—"The leading object to which it is expected our attention will be directed, is the establishment of an Institution under the title of a "House of Refuge," in which the numerous and increasing class of Juvenile Delinquents in this city may find an asylum from the miseries to which they have been exposed, and be subjected to a treatment at once adapted to the pun,

ishment of their crimes, the correction of their habits, the reformation of their morals, and their preparation for honest and useful service, when again restored to society.”—After pointing out the importance and great advantages which might be expected to result from this association, they conclude in the following manner. “We are aware of the responsibility which we assume. We anticipate the difficulties of an untried path, unaided by example in this country. We are sensible of the time and attention it will require at our hands, and of the discretion that will be requisite in every stage of its operation. But all we want as an encouragement to perseverance, is, the promptitude and efficiency of your co-operation.”

“We are fully persuaded of the practicability of the scheme we have undertaken, and of its truly beneficent tendencies. Hence we propose that measures be taken to call upon every citizen for a contribution proportioned to his ability ; and upon the result of such benefactions must it depend, whether a “House of Refuge” be established, which, in its erection and progress, shall be an honour to this metropolis. Each of the Managers will be at all times ready to receive donations for the Society, and it is intended that the names of donors and subscribers be published alphabetically in the Reports of the Society. (See pages 53 and 67.)

## CHAPTER X.

*Of the number of Convicts in the Penitentiary and State-Prison, 4th November, 1824.*

### *In the Penitentiary*

Male vagrants,	81	
—— Convicts,	109	190
Female vagrants,	101	
—— Convicts,	37	
—— Maniacs,	14	152
Total		342

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Thus it appears, that the prisoners consist of 182 vagrants, 146 convicts, and 14 female maniacs. Of those confined in the Penitentiary, there are, in general, about one fourth who are persons of colour.

### *Convicts in the State-Prison.*

White men,	466	
Coloured do.	132—	598
White women,	17	
Coloured do.	22 —	39
Total		<hr/> 637

Of the above, there were on the sick list—41, viz. 37 men and 4 women; 12 of whom were afflicted with the small-pox or variolæ.

In justice to our own state, it is proper to observe, that more than half of our convicts, are from foreign countries and the other states, many of whom are, no doubt, attracted by the hopes of getting more abundant plunder in this metropolis, than they can find in any other place.

THE END.









